

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday the 28th day of March 1923, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR, K.C.S.I., C.I.E., President, presiding.

I

THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1922.

The Council resumed consideration of the Madras Hindu Religious Endowments Bill, 1922.

Clause 8—cont.

Sub-clause (1).

(Amendment No. 67.)

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I beg to move—

Between the words 'professing' and 'the Hindu religion' insert the words 'and practising'.

My object is that the word 'professing' does not convey clearly the qualification that is essential for being a Commissioner. Sub-clause (1) of this clause says that persons professing the Hindu religion shall be Commissioners. I submit that it is not enough. In support of my contention I may refer to page 65 of the book containing the history of the previous Bills where a similar qualification was sought to be prescribed. The words used were 'all Hindus by religion.' Similarly, in the latter Bills also, page 100, you find in clause 6, sub-clause (b), a person must be a Hindu by religion. Similarly, at pages 116 and 117 also you find the same wording: a person must be a Hindu by religion. I fail to see why, with these Bills before them, the framers of the present Bill adopted the wording 'professing the Hindu religion.' The words I have quoted from the previous Bills insist on the commissioner or a member of the committee being a Hindu by religion. The phraseology in the Bill before us is somewhat weak. A man may profess the Hindu religion though he may not be practising it. I wish to know whether there is any reason why this altered phraseology is adopted or whether this means the same thing as the phraseology of the older Bills. If it is assured that it means the same thing, I certainly will not press my amendment. But if it means something less than what was intended in the earlier Bills, I would press that the phraseology should be the same as in the earlier Bills, i.e., that the words 'and practising' may be inserted between the words 'professing' and 'the Hindu religion'."

The hon. the RAJA OF PANAGAL :—" A Hindu by religion and one who professes the Hindu religion are practically the same. If the latter is vague, the former is vaguer still. As to the amendment of my hon. friend, I am sorry I cannot accept it because it will land us in great difficulties. Durjas practising the Hindu religion are expected to perform *sandhyavandana* thrice a day. Who is to find out whether a certain person is performing it as prescribed or not? That will be an inconvenient affair and we shall have to employ detectives on a somewhat large scale. The proposed definition will lead both the Government, the Board and all concerned to awkward positions. In these circumstances I am afraid I have to reject the amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—" I am glad the hon. Minister said that there was no difference in the phraseology."

The hon. the RAJA OF PANAGAL :—" Practically there is no difference in the phraseology."

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Clause 8—cont.

Rai Bahadur T. M. NARASIMHACHARLU :—“ The hon. Minister says that there is no practical difference. He said that a large number of detectives would have to be employed in order to find out whether a person actually practises the Hindu religion or not. Sir, I submit he need not go to the length of exercising that kind of patronage of employing detectives; a person's declaration that he is not only professing but practising the Hindu religion would be enough. I shall ask the question how are you going to find whether a person is professing the Hindu religion. I suppose you cannot find it except by the declaration of the person that he is a person who professes the Hindu religion. Well, you must also take the declaration of that individual that he is not only professing it but also practising it. That is quite enough. Therefore I submit that the hon. the Minister need not be at his wits' end to find detectives for the purpose. I press my amendment.”

The hon. the RAJA OF PANAGAL :—“ Sir, I adhere to the statement I made. The fact that one professes the Hindu religion can easily be ascertained by the statement of the party concerned. But when we begin to examine the question of practising the religion, I am afraid many a Hindu Member in this House may not stand the examination. All the Hindus are required to perform certain rites. But many of them never think of them.”

The motion was put to the House and lost

(Amendment No. 68.)

Sriman SASIBHUSHAN RATH Mahasayo :—“ I beg to move—

Add at the end the following :—
‘ and belief in idol worship’.

Sir, professing the Hindu religion is not quite enough qualification for one who wants to become a Commissioner and administer temples in which idols are worshipped. I am not one of those who believe that gods are worshipped through the idols; but all the same, temples and *maths* are places where idols form a very prominent part and it would be well if we introduce this also that the man who wants to become a Commissioner ought to be one who believes in idol worship, so that orthodox people who resort to the temples may not say that the man professes the religion but does not believe in idol worship. It is for this purpose that I want to introduce these words.”

The hon. the RAJA OF PANAGAL :—“ Sir, the attitude of the Government towards this amendment is somewhat similar to that of the one assumed in the case of the previous amendment. Here too, Sir, the amendment would land the Government in difficulties. Besides, I do not know whether one who believes in Hinduism should necessarily believe in the worship of idols. I am afraid even Sankaracharya does not seem to have belief in the worship of idols though he might have taught that that belief was necessary in the case of those who had not risen high in spirituality.”

Sriman SASIBHUSHAN RATH Mahasayo :—“ My point is this. The Hindu religion is not one religion, and therefore it cannot be said that it belongs to one sect or the other. There are very many sects among Hindus. Now we are concerned with temples and *maths* only. These are places of idols and of idol worship. Therefore only such people should be chosen as Commissioners as are connected with idol worship or who know something of it or who approve of it. I can understand why Sankaracharya did not take

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Clause 8—cont.

to idol worship. There are certain classes of people who are worshippers of Siva, who boast that they are themselves gods and say that they do not believe in idols. I know that we are equal to the deity. But here is a case of temples and *maths* where the gods are worshipped through the idols. The idol is there and one should profess his belief in the idols if he is to be put at the head of these institutions."

The hon. the RAJA OF PANAGAL:—"Whether Sankaracharya and his followers believed in idols or not, it is not for me to assert. But in connexion with another amendment Mr. Sivasankaram Pillai wanted to include trees, wells and other things. I know as a matter of fact there are temples where there are no idols worshipped. So, if we were to adopt the amendment of my hon. friend, we would have to give up all these temples and those who have belief in them."

Sriman SASIBHUSHAN RATH Mahasayo:—"I do not want to stand between the hon. the Raja of Panagal and his Bill. I therefore withdraw my motion. Let him have his way."

The motion was, by leave, withdrawn.

(Amendment No. 69.)

Mr. S. T. SHANMUKHAM PILLAI:—"Sir, I beg to move the amendment standing against my name:—

Add at the end the following:—

'of the description which the concerned institution or institutions represent.'

Sir, my reasons for moving this amendment are these. Among the Hindus, there are Saivasiddhantins, Vaishnavites, etc. Among these again, there are people who worship the elements without any symbols. I do not know how it is proposed to deal with such temples. Several temples represent several faiths; some have idols and some have not. I think that a person who has no faith in the particular form of worship obtaining in a temple should not be given any power over the affairs of that particular temple. So, what I say is, nominations to the central board should be made from the class of people who have faith in the particular form of worship in a temple. Each denomination may be represented in the Board. Otherwise discussions and decisions on questions affecting different sets of people like the Vadagalais and Thengalais, cannot be easily settled. I have no objection to the Board controlling temples representing different faiths. What I want is that for each faith there should be a representative on the Board. It is for that purpose that I move this amendment."

The hon. the RAJA OF PANAGAL:—"Sir, this amendment too would involve practical difficulties. There are temples and temples of many, many denominations. But we are going to have only three, or five commissioners at the most, on the Board. How can we appoint Commissioners representing all these different denominations?"

Mr. S. T. SHANMUKHAM PILLAI:—"My difficulty is that if we leave the constitution of the Board as it is now proposed, it will not be conducive to the harmonious relations between people of different denominations. However, I beg leave to withdraw my motion."

The motion was by leave withdrawn.

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Clause 8—cont.

(Amendment No. 70.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Sir, my amendment runs thus :—

Add the following as a proviso :—

' Provided that not more than one of the Commissioners may be a person professing the Jain religion if the provisions of the Act are extended to Jain religious endowments.'

This amendment is one which, I think, the hon. the Raja of Panagal might see his way to accept. There is a provision in the Bill for the extension of the provisions of this Bill, when it becomes law, to cases of Jain endowments; and my amendment merely proposes that, in the event of the extension of the Act to Jain endowments, the insistence upon every member of the Board being a professor of the Hindu religion, should not be had, but that liberty should be given to the appointing authorities to put in also a Jain if a suitable man is available. According to my amendment there is nothing which compels them to do it, only the liberty to do so is given."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Sir, under clause 2, sub-clause (2) the extension of the Act to Jain religious endowments by the Local Government may be subject to such restrictions and modifications as they think fit. It is open to the Local Government to say, when the Act is applied to Jain religious endowments, that clause 8, sub-clause (1) should be modified in an appropriate manner so as to include a representative of the Jain community. What I wish to point out here is that the amendment proposed by the hon. Member, Mr. Govindaraghava Ayyar, really restricts the freedom of the Local Government in regard to this matter. If he left the Local Government alone it would be possible for them to include two Jains in a Board of five, when the Act is extended to Jain religious endowments. But if his amendment is accepted, the Government will be compelled to restrict the number of Jains on the Board to one. As the Bill contemplates the constitution of more Boards than one—it may be that in a particular area the number of Jain Endowments is so large as to require two Jain representatives—I would ask him to allow a certain amount of elasticity to the Local Government."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I am afraid that the hon. Member who spoke last is under a misapprehension in saying that the effect of this amendment would be to restrict the powers of the Local Government. My amendment prescribes for only one Jain Commissioner, and it will not be necessary to have more than one. But it may be necessary to have more than one Board in which case it may become necessary to have more Commissioners than one. I quite appreciate the hon. Member's objection, but my amendment is not open to that objection, because the House will observe that the Commissioners of a Board will be mostly persons professing the Hindu religion. The presence of a Jain member in a Board is with reference only to a particular Board. If there are two Boards there can be two Jain members, one in each Board, so that that objection vanishes. No doubt, as my hon. friend says, the amendment will have the effect of preventing more than one Jain member from being in any one Board. I did intend that consequence, but taking the circumstances of the Madras Presidency as they stand at present, and comparing the number and

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Clause 8—cont.

value of the Jain endowments and Hindu endowments it is impossible to suppose that there can be such a large number of Jain endowments as to require more than one Jain member to become the members of a Board for the purpose of safeguarding the interests of Jain endowments. That is what I have to say to the last objection of my hon. friend.

“With reference to the first objection namely, that in a way my demand is provided for in Clause 2 which has already been passed, what I wish to mention to the House is this: if my hon. friend is really serious that it is contained in that clause, there can be no objection to making the matter more explicit. But my only fear is that Clause 2 may be so construed as not necessarily to mean that the constitution of the Board may have to be changed, because it will be observed that what the Local Government is asking to do is to extend the provisions of this Bill with such restrictions and modifications as they think fit to the Jain endowments. It is a far fetched and strained construction to say that it is not with respect to the nature of the endowments that this provision is applicable, but it is to the constitution of the Central Board that the Local Government might address itself in professing to exercise the powers vested in it under Clause 2. In these circumstances, I thought the better and the more easily understandable course was the adoption of the amendment that I have suggested. There is this advantage in accepting my amendment; that the clause, as amended, necessarily draws the attention of the authorities, in whose hands power is vested to constitute the Board, to the fact that the Jain endowments having been included under the purview of the Act the desirability as to whether a change should be made in the Board has to be considered. These are the observations that I have to make with reference to the amendment of which I have given notice.”

The motion was put to vote and lost.

Sub-clause (2).

(Amendment No. 71.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“I beg to move—

For this sub-clause substitute the following :—

“(2) The Commissioners shall be elected by the members of the committees in the prescribed manner.”

“Sir, I gave reasons for this amendment when I discussed the previous motion of mine. But the vote upon that cannot be considered as a vote upon this motion. That is why I move this amendment. This motion involves two questions, namely, whether the Commissioners should be elected and whether they should be members of the committees. So far as the committees are concerned, according to the scheme of the Bill, three-fourths of them are to be elected, and there are rules for the election of such members. Therefore I think we must have this principle, namely, that once we want the members of committees to be elected, we must also adopt the same principle in the case of Commissioners. For these reasons, I move my amendment.”

The hon. the RAJA OF PANAGAL :—“There is some difference between the status of Commissioners and that of the members of the committees. In the

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Clause 8—cont.

case of the members of the committees they are not salaried, while the Commissioners are paid officers. I do not think that the system of election will be satisfactory in the case of paid appointments."

The RAJA OF RAMNAD :—" I have tabled amendment No. 110. There is a similarity between that amendment and this. If you, Sir, are not going to allow me to move it later on, I think I had better move it now."

The hon. the PRESIDENT :—" How can the hon. Member know that I am not going to allow him later on ? "

The RAJA OF RAMNAD :—" If the hon. the President thinks that I can move that amendment now only, I think of doing so."

The hon. the PRESIDENT :—" I cannot think anything in the matter at all. When I come to that amendment I will decide one way or the other. At present, the hon. Member can speak on the amendment of Mr. Krishna Rao."

The RAJA OF RAMNAD :—" The hon. the President can tell me now whether my amendment is similar to this or not."

The hon. the PRESIDENT :—" The hon. Member can decide that for himself."

The motion was put to vote and lost.

(Amendment No. 72.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I beg to move—

After the word 'President' insert the words 'and not less than one-half of the other Commissioners of a Board.'

" Sir, this amendment of which I have given notice is one of considerable importance from the standpoint which I wish to take. The amendment requires that not merely the President but not less than one-half of the other Commissioners who constitute the Board should be gentlemen with qualifications that are prescribed for the President. Perhaps it may be within the recollection of some Members of the Select Committee, rather all the Members of the Select Committee, that such a view was at one time thought of in the Select Committee, and that only when the final decision of the Committee was adopted that the more liberal provisions that we now find in the Bill were fixed upon. Now, I venture to think, taking into consideration the functions of the Board, that it is necessary that those who are to constitute the Board should be, at least the majority of them, gentlemen who have had judicial experience or experience of legal matters. It will be observed by the House that there are three kinds of functions that are sought to be vested in the Board. One kind is inquisitorial powers, the second administrative, and the third judicial. In so far as judicial powers are concerned, it will be found that on a reading of the various provisions of the Bill which affect the Board and their relations to the committees, trustees and heads of *maths*, there are a number of judicial functions of a very important character that are vested in the Board. It stands to reason that before you give a Board the power to decide in respect of these judicial matters and in many instances make their decisions final, the persons who are responsible for these decisions should be gentlemen who have had some kind of judicial training or at least a training in the branches of the law which chiefly concern the functions of the Board. Therefore it appears to me that the insistence upon the possession by

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Clause 8—cont.

the Commissioners of the Board of some legal knowledge is not at all unreasonable. It is not that I am anxious that lay element should be in any way taken away, from the Board or that the Board should lose the benefit of lay opinion. Therefore it is that my amendment proposes that only one-half of the other members of the Board, two or one as the case may be, should be gentlemen who have the qualifications which the President has.

“Only one other objection against my proposal it is possible to think of, namely, that there may be a paucity of candidates who are available for being put on this Board. I believe that it will not be difficult to the party in power or the Local Government to find candidates who answer their description of what the requirements of the Board should be, so that it may be possible to the Government to put them into the Board. My object is to see that, once this House has accepted the principle of having a Board, that Board is composed of gentlemen who will really command the confidence and respect of the people in general, and to ensure for that purpose that it is made a statutory obligation that not less than one or two according to the strength of the Board should be, in addition to the President, gentlemen who possess the qualifications to which reference is made in clause 8, sub-clause (2).”

The hon. the RAJA OF PANAGAL :—“My hon. friend has made reference to the party in power in securing the services of qualified men for the appointment of Commissioners. I have only to tell him that it is not the party in power that is responsible for the appointment, but it is the Government.

“Coming to his objections, I may say that the fact that legal qualifications are insisted upon in the case of one does not preclude the Government from appointing men with legal qualifications as other members of the Board. Most of the functions assigned to the Board were at one time exercised by the Board of Revenue. Sir, not even one member of the Board of Revenue is by law required to be a lawyer. When the question of appointment of the members of the Board is being dealt with, Government will give their attention to the discussions of this Council. With this assurance I trust the hon. mover will withdraw his amendment.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“I have given notice of a similar motion, viz., No. 107. My object in bringing this amendment is that the functions of the Board are mainly judicial. We know that at present all powers regarding the adjudication of questions regarding service tenure attached to the temples are vested in the ordinary civil court; but by the special provision of this Bill all these are taken away from the jurisdiction of civil courts and vested in the Central Board whose decision is final. This makes it clear that the majority of the Board must have a judicial training or some judicial experience; for, the public will not have great confidence in a Board which is composed mostly of non-lawyers or men without judicial training. Men with mere administrative experience may not be quite desirable officers to settle religious litigations. It was said by the hon. the Chief Minister that the Government could nominate men with a legal or judicial training to form a majority of the Board. If the Government have no objection to make such a kind of appointment, I am not able to understand why they should have objection to reduce it to a statutory obligation.”

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Clause 8—cont.

Mr. R. SRINIVASA AYYANGAR :—“If the Board that is to be constituted is to function properly, having regard to the nature of the duties that they are expected to discharge, I think it is necessary that in its composition the majority should consist of men of the qualifications set out in sub-clause (2) of clause 8 of the Bill. Moreover, this Central Board is intended to oust largely the jurisdiction which the civil courts exercise under the present Act. That is an additional reason why the Board of Commissioners, at least a majority of them, should possess that judicial training and experience which are now possessed in a marked degree by officers presiding over civil tribunals. On these two grounds, I support the motion.”

The RAJA OF RAMNAD :—“I quite realize the anxiety of some of my lawyer friends here to get one more recruiting field to lawyers of public service. I say, Sir, as matters stand at present most of the District Judges are non-lawyers. When officers holding such high positions as District Judges are recruited from non-lawyers, I fail to see why these Commissioners should be recruited from lawyers alone.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“I am a lawyer and I do not agree in thinking that my friend the Raja of Ramnad is quite correct in saying that the District Judges are non-lawyers. As a matter of fact, his arguments certainly go to strengthen the force of the arguments in favour of lawyers. But there is one reason why I am not able to agree with my hon. friend who has asked for some restricted provisions with regard to the appointment of these members. We have got a large number of retired Government servants who do not come under the definition but who at the same time are as competent as others in these matters and who command the confidence of the public—I mean people like retired Collectors and retired Deputy Collectors. If the Board is going to consist of three Members and if you are going to impose the qualifications mentioned to two, then there will be one other person left, and you will have to choose probably between the retired Government servant and the public man who is taking interest in religious endowments and whose opinion and advice will be very valuable. Such a sort of restriction, I think, will not be good. I think it is better to leave the matter in the hands of the Government. In a commission of the nature of a judicial body, it is better that persons who have got some experience either as public men or as retired Government servants are appointed. With these observations, I hope the motion will not be pressed.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—“The arguments that have been advanced in opposition to the amendment, I think, I may utilize for the purpose of commending it to the acceptance of the House. The hon. the Raja of Panagal appears to have misunderstood my statements regarding the party in power and Government. I took care to say that it was the Local Government that would ultimately appoint these gentlemen. But so long as it is the Minister that is in charge of the department, it is obvious that the party in power from whom the Minister is necessarily drawn will have a great deal to say in these matters of the distribution of patronage. Therefore I said that the party in power and Government need have no difficulty in finding out gentlemen of their own following. With respect to the need for a judicial element and the strengthening of it, even those criticising the amendment seem to agree. The only point where they and I

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Clause 8—cont.

differ is as regards the persons among whom the choice has to be made. If it is to be conceded that there are men whom it might be desirable to put on the board but who do not possess the qualifications required here, one of the two seats which will still remain to be filled up may be given to any one of them and my amendment gives enough scope for such men being drafted in. All that I want is that there ought to be a statutory obligation to see that the judicial element in the board is sufficiently strong for the purpose of discharging the judicial functions with which they are to be entrusted.

"Now, my hon. friend, the Raja of Ramnad, said that there were District Judges who were not lawyers. But he forgot that District Judges were not made Judges all in a day straight after their having entered the Civil Service. They are given a great deal of judicial training and it is after that that they are made District Judges."

The hon. the RAJA OF PANAGAL :—"Sir, what is that training? Is that training different from the training that is given to a Deputy Collector?"

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"It is different, Sir, in one way and it is this. The House knows that there have been also cases where District Judges were asked before they became District Judges to look after the duties of the District Munsifs and the Subordinate Judges. Secondly, it will be found that so far as these District Judges are concerned, it is the very pick of the covenanted Civil Servants who are either Collectors or Sub-Collectors that are taken. They are people of very great capacity
 . . . "

The hon. the RAJA OF PANAGAL :—"May I know, Sir, if it is not a fact that sometimes those who have been found unfit to hold executive appointments are shunted to the judicial appointments?"

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"I do not know if my hon. friend will have the support of his colleagues, the Members of the Executive Council—who are not here—in the statement that he has made."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am glad that it has come from a Government Member himself."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"But if it is so, it only goes to show that there are persons who are intended for executive posts but are not by that circumstance unfit for judicial posts."

The hon. the RAJA OF PANAGAL :—"I did not suggest any reflection upon those who have been appointed to judicial posts. I only said that those who were not fit for executive appointments were sometimes posted to judicial appointments. They may be quite good for judicial appointments."

The hon. the PRESIDENT :—"It is a matter for consideration whether we may not leave the question of the recruitment of the judiciary. At present the House is considering the question of the Board of Commissioners under the Hindu Religious Endowments Bill. I think we have drifted into the question of the recruitment of the judiciary. I do not say that it is irrelevant. The point was raised by the Raja of Ramnad, and so the hon. Member had to defend the judiciary. We have been led on from stage to stage and the hon. Member is losing much time out of his five minutes. If he spends it on this question he will not have time to attack the Board."

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Clause 8—cont.

Diwan Bahadur L. A. GOVINDARAGHA AYYAR :—" I am not responsible for drifting into that question as you have already observed. In the case of District Judges they are chosen on account of their fitness. As I said, if there are eminent men, who have filled judicial offices from whom you can get Commissioners and if you also have sufficient room for other elements to come in, there is no reason why my amendment should not be accepted."

The motion was put and lost.

(Amendment No. 73.)

Mr. S. T. SHANMUKHAM PILLAI :—" I beg to move—

For items (a), (b) and (c) substitute the following :—

' a person who is a well-educated gentleman of good reputation and respectable status in life and who professes the Hindu religion of the description which the concerned institutions represent.'

" My reasons are these. The Central Board is intended to exercise administrative and judicial functions in connexion with the religious institutions. I understand that the arguments advanced by the previous speakers are also for giving final powers to this body. At a time when we are fighting tooth and nail for the principle of the separation of the executive and judicial functions we should not combine both these functions in one single body. If the Central Board is to be converted into a court of law the question should be settled in conjunction with the Government of India and the Secretary of State. I think the present Council has no such power. The separation of these two powers will save a good deal of trouble and difficulty both to the parties and the people. The qualification for membership need not be the holding of a high judicial post. It is quite unnecessary, and need not be required at all. The qualifications I propose are quite enough for administrative purposes. They are good reputation, respectable status and good education. These will meet the end in view. The Members of the Board are intended for the protection of the trust and the promotion of the welfare of the institutions. That is all we all long for. If that cannot be done I hope the matter may as well be left to the public to be taken care of by them."

The hon. the RAJA OF PANAGAL :—" The amendment prescribing the qualifications is rather vague in its nature. I, therefore, regret I cannot accept it."

The amendment was by leave withdrawn.

(Amendment No. 74.)

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—" Sir, I beg to move—

Omit item (a) and re-letter the subsequent items.

As items (b) and (c) of the sub-clause (2) prescribe the legal qualifications of the President, there is no necessity for item (a). It may, therefore, be deleted."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I have given notice of a similar amendment and to amplify what my hon. friend, Mr. Namberumal Chettiyyar, has said, I may say that this clause (a) will be somewhat jarring

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Clause 8—cont.

to the ears of the orthodox *maths* and temples. I will also give another reason. A European gentleman may reside in India and may cast off his Christianity and profess Hinduism. As a matter of fact, we have got several such gentlemen, though a little outside the municipal limits of Madras, yet residing in the vicinity of Madras. My point is that if such a gentleman happens to be a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland of not less than ten years' standing, he will be qualified to be appointed President. We may not for ever have a sympathetic Minister like our Raja of Panagal. The Minister may happen to be a European gentleman. Now, of course, all the Ministers are Hindus. But next time or sometime later, one Minister may happen to be a European, another Muhammadan and another Hindu and the European gentleman may happen to be in charge of the Local Self-Government and Religious Department. He may then appoint as President a European gentleman who professes the Hindu religion and who is a barrister practising in the High Court of Madras. Then, what is to be done? (*Laughter.*) As my hon. friend, Mr. Namburumal Chettiyar, has pointed out, a pleader of the High Court includes advocates, barristers and others of England or Ireland who come out to India for the purpose of encouraging litigation or administering justice in our courts. I, therefore, submit that there is no necessity for putting any clause which, as I said, is somewhat jarring to the orthodox ears."

The hon. the RAJA OF PANAGAL :—"Sir, the word 'barrister' may be jarring to the ears of some of our friends. Barristers are a respectable class of people. It is stated, Sir, that they come here to encourage litigation. In that case, I do not know if vakils who come out of the Law College of Madras cannot be charged with the same offence. However, I do not think that the Government will be justified in precluding barristers from being eligible for this appointment."

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"Sir, I beg to point out that no case has been made to retain this item (a). The qualifications mentioned in items (b) and (c) cover those mentioned in (a), and therefore item (a) seems to be unnecessary. I, therefore, press the amendment to a division."

The amendment was put and lost.

(Amendment No. 75.)

Mr. P. SUBBARAYAN :—"Mr. President, Sir, I beg to move—

In item (a) for the word 'ten' substitute 'five'.

My reason for moving this amendment is very simple. Section 101 (3) (a) of the Government of India Act says: 'A Judge of a High Court must be a Barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland, of not less than five years' standing.' It is well known that a Judge of the High Court can sit in judgment over cases that arise on this Bill. I, therefore, think that the same period of five years may also be fixed in the case of the President of the Board as well. I have no objection to alter 'ten' into 'five' in the case of a pleader of a High Court also."

The hon. the RAJA OF PANAGAL :—"I accept the amendment."

The amendment was put and carried.

[28th March 1923]

Clause 8—cont.

(Amendment No. 76.)

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, I beg to move—

In item (c) omit the words ' of a High Court '.

" Sir, what I mean is that a person having been a pleader for a period of not less than ten years is a sufficient qualification. I do not think any good purpose will be served by insisting on the pleader being a pleader of the High Court as well. It is quite well known that there are several pleaders practising in the mufassal who are not pleaders of the High Court, but who can challenge very good comparison and even better comparison with many of the pleaders of the High Court even of twenty years' standing. My point is, why restrict the selection to pleaders of High Court instead of leaving it as wide as possible ? "

The hon. the RAJA OF PANAGAL :—" I accept the amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—" Many, many thanks, Sir."

The amendment was put and carried.

Sub-clause (3).

(Amendment No. 77.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to move—

For this sub-clause substitute the following :—

' (3) The Commissioners shall elect a President from among themselves.'

I already stated my reasons in connexion with an amendment that was already discussed. The previous amendment was about the Commissioners being elected."

Mr. A. RAMASWAMI MUDALIYAR :—" I think the hon. Member has already moved an amendment that the President should be elected."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I have not. The previous amendment referred to the election of Commissioners. My present amendment is that the President should be elected by the Commissioners from among themselves. I know that my friends find it difficult to accept this amendment. But still I think that all the objections hitherto raised do not apply to this, especially when we remember that there are institutions which elect their own presidents. I object to the appointment of the President by the Government. The Commissioners should have the liberty of electing their own President. In most other institutions we have given this power. Even in the matter of the Legislative Council, the next President is going to be elected."

The hon. the RAJA OF PANAGAL :—" I oppose the amendment, Sir."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I can give no reply as no reasons are given by the hon. the Minister."

The hon. the RAJA OF PANAGAL :—" The reasons were all given when we discussed a similar amendment already."

The amendment was put and lost.

28th March 1923]

Clause 8—cont.

(Amendment No. 78.)

12 noon.

The RAJA OF RAMNAD :—"I beg to move—

Add at the end the following :—

'until such time as the Local Government by notification vest such appointment by election in a constituency to be devised for the purpose.'

"Sir, I copied this from the Local Boards Act. I have heard the hon. the Minister saying with reference to an earlier amendment that when an officer is paid he should not be elected. It is rather a curious proposition. The President of this House is to be elected from next year and he is to be a paid officer, the Deputy President is elected and he is also paid, and the hon. the Ministers are elected Members of this House and they are also paid. To apply the principle that payment is opposed to election rather comes too late. I do not ask the Government to throw the appointment open to election at once. It is purely a permissive provision. When the Government wants to throw open these appointments for election after devising a suitable constituency they should have necessary powers in this Act itself to do so.

"There is also one other matter, and a very serious matter too. These Commissioners are going to be paid not from Government funds, but from the contributions to be levied from the religious institutions. But the Government are going to derive some income from the sale of stamps, as all petitions will have to be stamped, and they are not going to spend a pie on this establishment. They are going to pay the commissioners only from the fees which they are going to levy. If Government say that they are going to pay the Commissioners, then I can understand their position. Even then it is not a strong argument. I do not see why there should be any difficulty in accepting this permissive provision. I may at once say that it will not be quite proper to dispute at this stage that election should not be provided for and everything should be by nomination. We have long passed that stage, and election is the order of the day. When the hon. the Minister has introduced a Bill to amend the Local Boards Act, providing direct election to the district boards for the first time in its history, I do not think he will be opposed to my amendment now. After all, my amendment is very modest. I ask the Government to take power to throw the appointment open to election when suitable occasion arises. If even this is not going to be accepted, I can only say that the attitude of the Government let me at least hope will not be acceptable to the majority of the Members of this House."

The hon. the RAJA OF PANAGAL :—"Sir, my hon. friend, the Raja of Ramnad, says that his proposal is a permissive provision. I am afraid it is not a permissive provision ; it imposes an obligation on the part of the Government to throw the appointments open for election at one time or another. Personally, I am not against throwing any of them open for election ; but I do not want that it should be obligatory upon the Government. We do not know how the scheme is going to work ; we have to wait and see the results of the scheme. So, at this stage, Sir, I do not think it is desirable to accept this amendment."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I want to support this motion. The hon. the Raja of Panagal said that it was possible to have a

[Mr. C. V. Venkataramana Ayyangar] [28th March 1923]

Clause 8—cont.

time when these posts could be thrown open for election. Where is the provision for it?"

The hon. the RAJA OF PANAGAL:—"The Act may be amended when that time comes."

Mr. C. V. VENKATARAMANA AYYANGAR:—"We do not want such small things to form Amending Bills. Therefore it is our desire to have this provision in the Bill. What does after all my hon. friend, the Raja of Ramnad, say? He does not fix any time. It may be during the time of this Government or the next Government. The succeeding Government may not think it desirable to leave it open for election. The present Minister may change his mind or his successor may not want to have election. Wherever it is possible, it should be made easily. I do not think it is necessary to go through the process of having a Bill prepared and sent through the various stages.

"It is said that there is nothing obligatory at all. The amendment says: Until such time, etc. It may be till eternity. It only gives power to any Minister at any time to leave this post open to election.

"We know that before the Reforms the Government did not want to have much to do with religious endowments. It may be said that this is a Reformed Government where the Minister is responsible to the people. But it may chance that a Muhammadan or a European gentleman may become the Minister in charge. In such circumstances, it is better to be prepared for some consequences. The amendment gives ample powers to wait as long as the Government wants and then issue the notification. I think the hon. the Minister will on reconsideration accept this amendment."

The RAJA OF RAMNAD:—"Sir, I gather from what the hon. the Raja of Panagal has said that he has no objection to accept the amendment, but he only feels that it will make it obligatory on Government to throw it open to election immediately. If he suggests a *via media* I am prepared to accept it. More than that, let me also inform him that even in the Local Boards Act of 1884 there was a provision to this effect, and again in the Local Boards Act of 1921 there is some such provision. So a permissive provision like this exists in very many of the Acts passed in this Council and earlier Councils. I do not see wherein comes the difficulty. If the hon. the Raja of Panagal will suggest a *via media* I shall withdraw my amendment."

The motion was put and declared carried.

Mr. A. Ramaswami Mudaliyar demanded a poll and it was taken with the following result:—

Ayes.

- | | |
|---|---|
| 1. Rao Bahadur T. A. Ramalinga Chetti-
yar. | 10. Mr. M. Soryanarayana. |
| 2. Mr. S. T. Shanmukham Pillai. | 11. Sriman Biswanath Das Mabasayo. |
| 3. Mr. K. Adinarayana Reddi. | 12. Rai Bahadur T. M. Narasimhacharlu. |
| 4. Diwan Bahadur M. Ramachandra Rao
Pantulu. | 13. Sriman Sasibushana Rath Mahasayaru. |
| 5. " L. A. Govindaraghava
Ayyar. | 14. Mr. R. Srinivasa Ayyangar. |
| 6. Rao Bahadur A. S. Krishna Rao
Pantulu. | 15. " M. R. Seturatnam Ayyar. |
| 7. " C. V. S. Narasimha
Raja. | 16. " A. Ranganatha Mudaliyar. |
| 8. Mr. C. V. Venkataramana Ayyangar. | 17. " T. Sivasankaram Pillai. |
| 9. Diwan Bahadur R. Venkataratnam
Nayudu. | 18. The Raja of Ramnad. |
| | 19. Sri Meka V. Apparao Bahadur. |
| | 20. Mr. K. Prabhakaran Tampan. |
| | 21. Sir M. C. T. Muttayya Chettiyar. |
| | 22. Rao Bahadur T. Namburumal Chetti-
yar. |

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Clause 8—cont.

Noes.

- | | |
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| <p>1. The hon. Khan Bahadur Sir Muhammad Habib-ul-lah Sahib,
<i>Kt., C.I.E.</i></p> <p>2. „ the Raja of Panagal.</p> <p>3. „ Rai Bahadur K. Venkatareddi Nayudu</p> <p>4. „ Rao Bahadur A. P. Patro.</p> <p>5. Mr. E. S. Lloyd.</p> <p>6. „ A. Y. G. Campbell.</p> <p>7. Rai Bahadur N. Gopalaswami Ayyangar.</p> <p>8. Mr. C. Madhavan Nayar.</p> <p>9. Diwan Bahadur T. N. Sivagnanam Pillai.</p> <p>10. Mr. E. Periyannayagam Pillai.</p> <p>11. Rao Sahib T. C. Tangavelu Pillai.</p> <p>12. Mr. A. Ramaswami Mudaliyar.</p> <p>13. S. R. Y. Ankinedu Prasad Bahadur.</p> <p>14. Diwan Bahadur C. Arunachala Mudaliyar.</p> <p>15. Rao Sahib S. Ellappa Chettiyar.</p> <p>16. Rao Bahadur P. C. Ettirajulu Nayudu.</p> | <p>17. Mr. W. Vijayaraghava Mudaliyar.</p> <p>18. „ K. A. Kandaswami Kandar.</p> <p>19. „ B. Muniewami Nayudu.</p> <p>20. „ A. T. Muttukumaraswami Chettiyar.</p> <p>21. „ M. Narayanadaswami Reddi.</p> <p>22. Rao Bahadur C. Natesa Mudaliyar.</p> <p>23. Mr. V. P. Pakkiriswami Pillai.</p> <p>24. „ P. T. Rajan.</p> <p>25. „ W. P. A. Saundara Pandiya Nadar.</p> <p>26. „ R. K. Shanmukham Chettiyar.</p> <p>27. „ K. Sitarama Reddi.</p> <p>28. „ S. Somasundaram Pillai.</p> <p>29. Dr. P. Subbarayan.</p> <p>30. Rao Bahadur C. V. Ranga Reddi.</p> <p>31. Mr. S. Muttumaniikkaohari.</p> <p>32. Khan Bahadur Muhammad Sadullah Badesha Sahib Bahadur.</p> <p>33. „ „ Muhsinud Usmān Sahib Bahadur.</p> <p>34. Rao Sahib M. C. Madurai Pillai.</p> |
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Twenty-two voted *for* and 34 *against*. The motion was lost.

(Amendment No. 79.)

12-15 p.m. Rao Bahadur C. NATESA MUDALIYAR :—“ Sir, Mr. President, I move the amendment that stands in my name which reads thus :—

Add at the end the following:—

‘due regard being had to the representation of various religious sects and provided that a majority of them shall always be non-Brahman Hindus.’

Sir, it is highly desirable that the Commissioners of the Board are larger in number and are elected preferably by this Council to give a democratic turn to the Board, failing which it is wise to have the maximum number of Commissioners contemplated in this Bill each of them being of different Hindu religious denominations and a majority of them being non-Brahman Hindus. For, most of the endowments are given by non-Brahmans. Sir, let me not be misunderstood that I am bringing the communal question even here. I do this not with a feeling of apathy towards any community. I assure the House that I have no hatred for any community. I love all communities alike. (*Cries of Hear, Hear.*) But the elevation and the progress of my country requires recognition of the communal element. Seeing how one of my communal resolutions was treated some time ago by the Local Government and by the House, I thought I was perhaps at least a quarter of a century ahead of the times. But seeing how the communal question is being taken up by the Government of India, the Legislative Assembly, the Councils of Bengal, Punjab and Assam and recently by the Secretary of State for the Colonies on the question of reforms for Ceylon where the communal element has come to stay, I fear I will be behind the times and will be failing in my duty to my constituency if I do not press constantly the communal claim in this House.

"Sir, coming to my communal amendment, if it is included in the Bill, the effect of it will be that the Central Board will be like the village boards

[Mr. C. Natesa Mudaliyar]

[28th March 1923]

Clause 8—cont.

which are accustomed from time immemorial to communal representation. If the amendment is included it will create confidence in the public, prevent heart-burning and make the Bill work smoothly when it is passed into law. So in the interests of Government and in the interests of the country, I request the hon. the Minister to accept the amendment."

The hon. the RAJA OF PANAGAL :—"Sir, the remarks that have fallen from my hon. friend, Dr. Natesan, will be borne in mind; but I do not think it is advisable to tie the Government to any set of rules in a matter like this. As he rightly said, the question of communal representation is engaging the attention of various Governments. That is true and that is the very reason why such a hard and fast rule is not necessary."

Rao Bahadur C. NATESA MUDALIYAR :—"After the assurance given by the hon. the Minister—I hope the Ministry will continue for a long time and I am sure that it will be for many years (*cheers*)—I withdraw this amendment."

The amendment was by leave withdrawn.

(Amendment No. 80.)

Mr. C. MADHAVAN NAYAR :—"Mr. President, Sir, the amendment that stands in my name reads—

Add at the end the following :—

'and shall, during their term of office, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.'

"Sir, the object that I have in moving this amendment is sufficiently obvious. There are certain sections of the Indian Penal Code which protect the public servants in the proper and effective discharge of their duties and certain other provisions which compel them to discharge their duties properly. I move this amendment with a view to make these provisions applicable to the President as well as the Commissioners. Mr. President, as the Bill stands at present, these members, the President and the Commissioners, are highly paid officials and it is only proper that the House should see these provisions are made applicable to them. With these words, I commend the amendment for the acceptance of the House."

The hon. the RAJA OF PANAGAL :—"I accept the amendment."

The amendment was put and carried unanimously.

Clause 8 as amended was put and carried and added to the Bill.

Clause 9.

(Amendment No. 81.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I move—

For the word 'five' substitute the word 'three.'

Sir, the object of my amendment is to substitute 'three' years for 'five' years in sub-clause (1) of clause 9. The sub-clause at present reads :

Every Commissioner of a Board other than the President shall be entitled to hold office for five years from the date of his appointment.

28th March 1923] [Mr. A. S. Krishna Rao Pantulu]

Clause 9—cont.

“Five years is the prescribed tenure of office of the Commissioners as also of the President. I think, Sir, that under the present circumstances, three years ought to be sufficient. The Board of Commissioners are to be appointed; they are invested with wide powers and their work will be watched with keen interest by the public. One of the chief defects of the previous committees was that they were holding their office for a long period so that even if their misconduct was brought to the notice of the public, they could not be removed. That defect was sought to be removed by limiting the duration of their term. Seeing that even in the case of responsible officers like the Ministers three years is the period fixed, I think we shall not be justified in providing for a longer period in this case.”

Sriman SASIBHUSHAN RATH Mahasaya :—“Sir, we have a number of institutions in the country in which we have the period of three years fixed. For instance, the chairmen of municipal councils, presidents of district boards and a number of other officers hold office only for three years. Even our own term is fixed at that period. Only in the case of the Council of State a longer period, namely, five years is fixed. I do not see any reason why this long period should be suggested in this particular case. On the analogy of the existing institutions of the country, we should fix the period at three years. Moreover, the Board is a new creation in the case of religious endowments and we should see how it works. If a longer period is fixed, people may get vexed and it is to the advantage of the Government and the Ministry that due provision is made and the period so fixed as to give them occasion to change the personnel of the Commissioners of the Board. It is therefore that I support the amendment.”

The hon. the RAJA OF PANAGAL :—“Sir, there are two difficulties in the way of accepting this amendment. One is we may not get very desirable men if we impose this time-limit and reduce the period of appointment from five to three years. Suppose the Government wants a Government servant or a man with good practice either in the High Court or in the mufassalcourts, unless the appointment is guaranteed for a sufficiently long period, I do not think we shall be able to secure the services of competent people. Another difficulty is this, viz., that this is a case in which continuity of policy is desirable. So, for these two reasons, I feel nervous to accept the amendment. But if it is the wish of the House, I shall have no objection.”

Mr. R. SRINIVASA AYYANGAR :—“Sir, if I understood the hon. the Minister aright, he insisted upon continuity of policy as justifying the retention of the period of five years. So far as policy is concerned, we are also having policy in the local bodies and institutions where presidents are generally nominated and their term is limited to three years. Likewise is the case of Ministers who are in charge of very many departments and whose duties are various and multitudinous.”

The hon. the RAJA OF PANAGAL :—“Mr. President, may I remind my hon. friend from South Arcot that it is on this account that the term of chairmanship of the municipal councils is extended from one year to three years.”

Mr. R. SRINIVASA AYYANGAR :—“That does not alter the situation nor does it weaken my argument. Moreover, when a body is to be constituted,

[Mr. R. Srinivasa Ayyangar]

[28th March 1923]

Clause 9--cont.

in its earlier stages or in the transitional period, instead of having a man fixed to the spot for five years, prudence suggests that a shorter term should be fixed. Moreover, this is not a case where a person has to get into the place by the process of election, because the appointment is entirely in the hands of the Executive Government and the same person may be reappointed. A continuity of policy may be kept up without any break."

The hon. the RAJA OF PANAGAL:—"But the difficulty I suggest is from the standpoint of the applicant or the candidate for the appointment. What guarantee is there that the Government will reappoint him? The Government may reappoint him or may not. What is the guarantee that he will be continued in the post?"

MR. R. SRINIVASA AYYANGAR:—"If, after a period of three years the Government is not in a position to extend the term, that is all the greater reason why the period should be limited to three years. If within a period of three years, the Commissioner is not in a position to command the confidence of the Government which will entitle him for reappointment, it affords additional reason why the tenure should be reduced to three years. So far as the appointments or reappointments are concerned, they are entirely in the hands of the Executive and unless the Commissioner has done something to forfeit the confidence of the Ministry, the probability is that he will have a claim for a further lease of life and he will automatically or without even asking, be entitled to continue in office. There is one other circumstance. So far as these gentlemen are concerned, they will not be worried by the bogey of any election. They have only to discharge their duties properly to their own advantage and to the advantage of the public and in such a manner as to inspire confidence in the Government so as to merit or to justify their continuity in office for a further period."

MR. A. RAMASWAMI MUDALIYAR:—"Sir, I rise to oppose the amendment. I am afraid, my hon. friend, Mr. Srinivasa Ayyangar, in his anxiety to make a very involved argument involved himself in very many difficulties. What the hon. the Minister said was . . ."

MR. R. SRINIVASA AYYANGAR:—"I am incapable of involved arguments, Sir."

MR. A. RAMASWAMI MUDALIYAR:—"We have our own opinions of what my hon. friend, Mr. Srinivasa Ayyangar, is capable of. What the hon. the Minister said was that from the applicant's point of view unless he had sufficient guarantee that he would be in office for a fairly long time, it might not be possible for him to accept the offer of the Government. My hon. friend says that it will be open for the Government to reappoint the person. But the person would like to have an assurance even at the time of the appointment and if the Government is asked to give him such a guarantee, the Government will not be in a position to say what its mind will be after three years. Therefore *a fortiori* on the arguments of my hon. friend, the most desirable men will not accept the appointment.

"As regards the period it will take sometime for these men to get themselves into touch with the office, to get into the details of religious administration and to know what is expected of them. My hon. friend cited the example of the Ministers. We know from our experience of two and a half years that it will be very much better if the Government of India

28th March 1923] [Mr. A. Ramaswami Mudaliyar]

Clause 9—cont.

prescribes a longer period. At the same time, I should say that none of us are anxious that we should extend our own time. We do not want to sit for a longer time than we have been returned for. But I say generally speaking, even for the next Council, if the authorities at Home can be induced to extend the term to five years, I have no doubt that the Members opposite as well as on this side of the House would welcome the move.”
(*Cries of No, No, from Opposition Benches.*)

“Sir, I see that hon. Members are anxious to go away. But those who succeed them will, I daresay, be glad to have an extension of
12-30 p.m. the period. That, Sir, is really the reason why a longer time should be prescribed. After all, there is not much to be said on the merits of the question on either side, except the fact that the better class of people will not be willing to take up the appointment unless a longer time and a greater guarantee of security of tenure of office is given to them.”

Diwan Bahadur M. KRISHNAN NAYAR:—“Sir, I am for retaining the period of five years. Besides the arguments already advanced with reference to the difficulty of finding suitable candidates for the appointment, if the appointment is only for three years, there is the additional reason that the President and the Commissioners naturally will take sometime to settle down and learn their business, and by the time they settle down and learn the business if they are to be turned out—as that will practically be the case if the time is limited to three years,—it will be difficult for any body of Commissioners to do their work satisfactorily. In addition to this, there is also this other circumstance; the evils of a long term—if five years can be regarded as a long term—cannot exist having regard to the amendment that was moved by the hon. the Advocate-General and accepted by the hon. the Minister, namely, that the President and the Commissioners will come under the definition of public servants within the meaning of section 21 of the Indian Penal Code, so that they are amenable to all the discipline and they are also liable to all the disabilities and penalties of public servants, if they abuse their trust, their responsibilities and their duties. There is no danger therefore in the period being so long as five years. Then, again, there is this additional circumstance also: that if people are to be turned out at the end of three years and not continued for five years, the arguments that have been advanced with regard to the difficulty of finding proper persons, I submit, will hold good very strongly. Persons who are either retired judicial officers or who are practising at the bar will be extremely unwilling to accept this office if it is to endure only for a period of three years. It goes without saying that a person who has a very good practice in the bar, a person whose services are worth having, will generally be very reluctant to leave the bar to accept this office for a short term of three years. With reference to retired officials also, it will be difficult to induce them to accept the appointment if they are to be turned out in three years. For these reasons, I oppose the amendment.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—“Sir, there is one observation which suggested itself to me as I was listening to the speeches of hon. Members for and against the acceptance of this amendment. We were told that it might be difficult to get persons who would be eligible for this office if the term was restricted to three years. Now, Sir, from every

[Mr. L. A. Govindaraghava Ayyar] [28th March 1923]

Clause 9—cont.

point of view, I am afraid between three and five there is not much difference. There is one point perhaps on which I might lay stress, namely, that it would be largely in the hands of the members themselves who are appointed to the Board as to whether they would be continued or not, so that if they are anxious to be continued, whether for three years or five years, they will so conduct themselves as to make it worth the while of the Government to continue them in the office. That is a point, I submit, Sir, which perhaps might be kept in mind by hon. Members when they criticize this amendment."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I thought that the Raja of Panagal only stated that there would be some difficulty in securing proper men if the time was limited to three years, and that otherwise he had no objection to limiting the time to three years. Now, Sir, the only objection which has been stated if the term is limited to three years is that it may not be possible to get proper men for the office, and that was the objection pointed out also by Mr. Ramaswami Mudaliyar and Mr. Krishnan Nayar. I think, Sir, I may assure the hon. the Raja of Panagal that there will not be any chance of a paucity of suitable candidates with the limitations which have been prescribed. I am quite aware that the provisions in clause 8, which we have just passed, limit the candidates for this office to persons who possess the qualifications, and yet we then thought that there was ample scope for a number of proper persons coming in. Let us also realize that in the case of Commissioners we have not prescribed any qualifications at all. In reply to a motion by my hon. friend, Mr. Govindaraghava Ayyar, it was pointed out that the suggestion that at least half the number of Commissioners should be persons possessing the qualifications of the President was unnecessary, and the hon. the Raja of Panagal was not willing to accept that amendment, because he wanted to have a wide margin for the selection of persons for the office of Commissioners without any limitation in the Statute that they shall possess such qualifications. I would ask the hon. the Raja of Panagal to consider whether, when a decent salary such as Rs. 1,200 for the President and Rs. 800 for the Commissioners has been provided by the Bill, there will not be a number of persons, such as retired officials like Deputy Collectors, Judicial officers and so forth whose case was specially brought before the notice of this House, who will be willing to offer themselves for the appointment. It is not therefore a difficulty of securing proper persons for the pay of Rs. 1,200 and Rs. 800 respectively. But my reason for bringing this amendment to this House is more than that. There is provision for some of these gentlemen being reappointed, if necessary. But is the Raja of Panagal going to say that even if the President or a Commissioner misbehaves or misconducts himself there should not be the means of sending him out even within that period?"

The hon. the RAJA OF PANAGAL:—"We have got the power to deal with him under the Bill."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I know that, Sir. But how is it possible to remove persons who have been appointed under these provisions? It will therefore be more satisfactory to limit the operation of this provision to a period of three years. It is well known that the

28th March 1923] [Mr. A. S. Krishna Rao Pantulu]

Clause 9—cont.

period of three years has been accepted as a proper term for many well-known institutions. Is it to be said that either the local boards or the municipalities where the period of office is only for three years have not been satisfactory or responsible? Notwithstanding the limitations which have been created from time to time, there have not been persons wanting to come forward and take up membership in them. I believe the hon. the Minister for Local Self-Government will bear testimony to the fact that he is so much pressed with the claims of a large number of persons for the office that he finds it difficult whom to choose. The difficulty has not been a dearth of persons to choose from but rather who should be chosen and who should be rejected from out of the numerous persons who presented themselves for selection. I therefore think it will be dangerous if the period is allowed to extend for five years. Let us not be too sanguine of a new step and let us take care to provide against any errors or any injustice being done by these officers continuing for a long period."

The amendment was put and declared carried.

Mr. S. Somasundaram Pillai demanded a poll which was taken with the following result:—

Ayes.

- | | |
|--|--|
| 1. Diwan Bahadur M. Ramachandra Rao Pantulu. | 7. Sriman Biswanath Das Mahasayo. |
| 2. " L. A. Govindaraghava Ayyar. | 8. Rai Bahadur T. M. Narasimha Charlu. |
| 3. Rao Bahadur A. S. Krishna Rao Pantulu. | 9. Sriman Sasibhushan Rath Mahasayo. |
| 4. " C. V. S. Narasimha Raju. | 10. Mr. R. Srinivasa Ayyangar. |
| 5. Mr. C. V. Venkataramana Ayyangar. | 11. " M. R. Seturatnam Ayyar. |
| 6. " M. Suryanarayana. | 12. Rao Sahib Sir M. C. T. Muttayya Chettiyar. |
| | 13. Rao Bahadur T. Numberumal Chettiyar. |

Noes.

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| 1. Rai Bahadur N. Gopalaswami Ayyangar. | 17. Rao Bahadur C. Natesa Mudaliyar. |
| 2. Mr. C. Madhavan Nayar. | 18. Mr. P. T. Rajan. |
| 3. Diwan Bahadur T. N. Sivagnanam Pillai. | 19. " W. P. A. Saundarapandiya Nadar. |
| 4. Mr. E. Periyanaayagam. | 20. " R. K. Shanmukham Chettiyar. |
| 5. Rao Sahib T. C. Tangavelu Pillai. | 21. " K. Sitarama Reddi. |
| 6. Mr. A. Ramaswami Mudaliyar. | 22. " S. Somasundaram Pillai. |
| 7. Rao Bahadur T. A. Ramalinga Chettiyar. | 23. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 8. Diwan Bahadur C. Arunachala Mudaliyar. | 24. Mr. V. C. Vellingiri Goundar. |
| 9. Rao Sahib S. Ellappa Chettiyar. | 25. " C. Venkataranga Reddi. |
| 10. " P. C. Ethirajulu Nayudu. | 26. Diwan Bahadur R. Venkataratnam Nayudu. |
| 11. Diwan Bahadur M. Krishnan Nayar. | 27. Mr. S. Muttumanikkaachari. |
| 12. Mr. W. Vijayaraghava Mudaliyar. | 28. " T. Sivasankaram Pillai. |
| 13. " J. Kuppuswami. | 29. The Raja of Ramnad. |
| 14. " B. Muniswami Nayudu. | 30. Sri Meka V. Apparao Bahadur. |
| 15. " A. T. Muttukumaraswami Chettiyar. | 31. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur. |
| 16. " M. Narayanaswami Reddi. | 32. " Muhammad Usman Sahib Bahadur. |

The amendment was lost, 13 voting for and 32 against.

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Clause 9—cont.

(Amendment No. 82.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move—

That in sub-clause (2) for the word 'five,' substitute the word 'three.'

" Sir, what I wish to point out is that though the period of office of the Commissioners may be five years, that of the President may be reduced to three years. I may remind the hon. the Raja of Panagal that according to the District Municipalities Act which was passed sometime ago, but which has been since altered, though the term of office of Municipal Councillors was three years, the term of office of the Chairmen was fixed as one year. I do not want to take up the time of the House by reminding them very valuable arguments were advanced by the hon. the President who was then Member in charge of the Bill, as also by other hon. Members, showing that the term of office of the Chairmen ought to be limited to one year. Though the period of office of the Commissioners in this Bill may be five years I urge that the term of office of the President should be three years only, because the President will be the Chief Executive officer of the Board, and it is very desirable that his period of office should be limited. For these reasons, I would press the motion which stands in my name. I would like only to remind the hon. the Raja of Panagal that it would be doing justice to the principles already enunciated in this House, if he accepts the motion."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I oppose this amendment for the very same reasons for which this House opposed the motion to the effect that the period of office of the Commissioners should be three years, but not five years; and I submit that the period of office of the President should be similarly five years but not three years. I should think that the reasons which induced this House to accept a period of five years for the Commissioners hold good more in the case of the President than in the case of the Commissioners. For, he is the executive head of the Board and his responsibilities are very much greater than those of the ordinary Commissioners. For these reasons, the term of office of the President should certainly be five years even if the term of the other Commissioners is three years. But the House have by a large majority already decided that in the case of the ordinary Commissioners the period of their office should be five and not three years. My hon. friend, Mr. Krishna Rao, has stated that in the District Municipalities Act there is a provision fixing the term of office of the Chairmen as one year, while the term of office of a Councillor is three years. That provision, the House will remember, has been altered by this Council by means of an Amending Bill by which the term of the Chairmen has been extended and they continue in office for the period for which they are entitled to sit as ordinary Councillors. So, the reason adduced by the hon. the mover does not hold good. Therefore for the same reasons which have been urged in connexion with the term of office of Commissioners, I think it is necessary to have the period of office of the President also fixed at five years."

The hon. the RAJA OF PANAGAL :—" Sir, in view of the decision of the House in regard to the previous motion, I do not think I will be justified in accepting this amendment."

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Clause 9—cont.

The amendment was put to the House and negatived.

Clause 9 was then put to the House, passed and added to the Bill.

New clause after clause 9.

Mr. M. SURYANARAYANA :—"Sir, I beg to request that the consideration of the amendment No. 116 on the agenda which stands against my name may be postponed until amendment No. 122 of the agenda that stands against the names of Mr. Srinivasa Ayyangar and four other hon. Members is disposed of. That amendment relates to the deletion of the entire clause 10. Some hon. Members may not be in favour of the deletion of the entire clause 10 which requires not only that the Commissioner shall devote his whole time and attention to his duties but also says that :

the Commissioners shall each receive out of the funds of the Board such salary as the Local Government may fix.

The House may not be disposed to favour the deletion of the entire clause, but may still be prepared to accept my amendment, namely, that the President and Commissioners shall be honorary until such time as the Local Government may notify after due and adequate consideration of the financial condition of maths and temples under the jurisdiction of the Boards, that the President and Commissioners shall be paid a salary. I therefore request that you may be pleased to permit the consideration of my amendment No. 116 until after the other amendment to clause 10 is disposed of."

The hon. the DEPUTY PRESIDENT :—"The hon. Member can move a motion to that effect."

Mr. M. SURYANARAYANA :—"Sir, I beg to move—

that the consideration of the amendment No. 116 on the agenda be deferred until amendment No. 122 on the agenda is disposed of."

Rao Bahadur A. S. KRISHNA RAO PANTULU seconded the motion.

The motion was put and carried.

Clause 10.

(Amendment No. 83.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I beg to move—

That for clause 10, the following be substituted :—

'The Commissioners shall not receive any salary but may receive out of the funds of the Board such travelling or halting allowances as the Local Government may prescribe.'

"Sir, incidentally in the course of the discussion of the motion for the abolition of the Board, arguments were advanced pointing out the undesirability of having paid officers to discharge these functions . . ."

Mr. M. SURYANARAYANA :—"Sir, I beg to rise to a point of order. In regard to amendment No. 116 on the agenda, it has been decided that its consideration be postponed until amendment No. 122 on the agenda is disposed of. But amendment No. 122 is for the deletion of the entire clause 10, and the motion which my hon. friend is now moving will be practically

[Mr. M. Suryanarayana]

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Clause 10—cont.

the same as No. 116. I submit that, the House having accepted the postponement of amendment No. 116, all amendments that follow upon it are also postponed."

Rao Bahadur A. S. KRISHNA PAO PANTULU:—"The motion my hon. friend is referring to was that the consideration of amendment No. 116 on the agenda be postponed for the purpose of taking it up after the other amendments on the agenda up to No. 122 were disposed of. I have nothing to do with that, and when my motion is reached in the ordinary course, I have every right to move it. I do not think there is any point of order in what has been stated by my hon. friend."

"Sir, only two questions arise in connexion with this motion. One is whether you will be able to get proper persons for discharging the duties of either Commissioner or President if you do not offer them substantial pay as suggested in this clause. The second question that arises is whether in the present condition of the various religious institutions in the Presidency and in view of the necessity that is imposed by this Bill of making a contribution for the upkeep and cost of this Board, it is desirable that we should embark upon such a scheme. Thirdly, another question would arise, namely, whether we shall get proper persons having at heart the interests of the country at large or having greater interest in the upkeep of the religious institutions by making them honorary or whether we can get better persons by making the position attractive enough owing to the salary it carries with it. It is from these three standpoints that I wish the House to consider this question. I may say that I am one of those who believe that persons have not lost faith in the efficacy of the religious institutions and are not lacking in their anxiety to see that they are maintained in as satisfactory a manner as possible. Sir, when voluntary and honorary workers are forthcoming in sufficient numbers for the purpose of discharging the various important duties concerning local administration, I refuse to believe that there will not be such persons forthcoming for the purpose of setting these institutions in order and seeing that they are managed in a satisfactory manner. I would, therefore, submit that any argument based on the footing that it is necessary to have pay, so as to attract proper persons is an argument which cannot be accepted. The second point which arises is whether it is desirable that in the case of the various religious institutions, whether temples or *maths*, we should force them to contribute at a certain rate provided for in the Bill and then out of that income to maintain this costly machinery in the Board. We cannot at present state what the cost will come to. We have started with only one Board, but we have provided for Boards being increased as time goes on, and when we are going to have all the Boards in full swing all over the Presidency, we do not really know what the whole cost of the scheme is going to be.

"Let us also remember that we are imposing this Board not at the voluntary request of the managers of the religious institutions but against their will. While we are doing so we can only tax the institutions for the mere upkeep of the Board. Therefore there is no justification for incurring such a heavy expenditure in the shape of salaries to the Commissioners.

1 p.m.

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Clause 10—cont.

"The third point is, the salary offered, namely, Rs. 1,200 for the President and Rs. 800 for the other Commissioners, is certainly not such as will attract the best men. The Commissioners will be required to discharge all the functions of a court in several matters. One of the chief objects of the creation of the Board of Commissioners is to do away with the costly litigation in courts. We want to introduce a cheap machinery whereby those affected might have their grievances redressed. It will be remembered that several of these important questions arising out of religious endowments are at present adjudicated in courts presided over by very experienced and highly salaried judges. Some of these judges draw a much higher salary than what is offered to the Commissioners under the Bill. I would ask whether it is reasonable to expect the best sort of men for the pay offered to them. They are all expected to carry on the most important duties. If we really have faith in the country which has already produced very eminent men—men who have discharged their duties in the most satisfactory manner, we shall not look in vain for retired men to offer their services voluntarily for the discharge of the important task connected with the religious endowments. If once we say that it is a paid appointment, not one of them is likely to accept the post. If we make this appointment honorary and offer it to the people, then I have not the slightest doubt that really competent men will be forthcoming. I therefore suggest to the House that the appointment of Commissioners should be made honorary. If the hon. the Minister thinks that he will not get capable and respectable persons for the purpose of discharging the duties of Commissioners, it is really casting a reflection upon the public spirit and upon the large-heartedness of the people. I have ample faith that really capable persons will be forthcoming if the post is declared honorary. If it is said that their interest, patriotism and public spirit should be reduced to rupees, annas and pies, it is, to say the least, very unfair. With these few words, I commend my amendment for the acceptance of the House."

The hon. the RAJA OF PANAGAL :—"Sir, we have passed a clause which fixed the number of Commissioners from three to five. The acceptance of that clause results in the work of these Commissioners being very heavy. We have also accepted the hon. the Advocate-General's amendment bringing the Commissioners within the purview of section 21 of the Indian Penal Code, so that they will be deemed public servants. In these circumstances and particularly taking into consideration the fact that in all the previous Bills framed by such eminent men as Sir T. Muttuswami Ayyar, Mr. Chentsal Rao and Sir William Robinson provision has been made for paid Commissioners, I am unable to accept this amendment."

Mr. M. SURYANARAYANA :—"Sir, the hon. the Raja of Panagal was pleased to say that Sir T. Muttuswami Ayyar, Mr. Chentsal Rao and Sir William Robinson had advocated the appointment of paid Commissioners and that therefore we ought not to say that these Commissioners should not be paid."

The hon. the RAJA OF PANAGAL :—"I did not altogether base my argument upon their not having provided for unpaid Commissioners. I stated my own reasons for not having unpaid Commissioners."

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Clause 10—cont.

Mr. M. SURYANARAYANA :—"I wish to remind the hon. the Minister and the House that those committees presided over by such eminent men as Sir T. Muttuswami Ayyar, Mr. Chentsal Rao and others were held more than half a century ago when probably it was not possible to find a large number of people prepared to sacrifice their time and energy in the public cause. But since then times have considerably altered. I am quite sure that the aspirations of the public at large and the readiness of the people to sacrifice their time and energy for the public cause cannot now be said to be so limited as that we shall not be able to find the necessary persons with the requisite qualifications to fill the office of Commissioners. As an instance I would remind the House that the hon. Members here do sacrifice their time and energy for the public cause. Similarly the presidents of district boards and taluk boards, chairmen of municipal councils and the presidents of educational and academic councils are people who render such assistance as they possibly can to the public cause without any salary whatsoever. I submit, Sir, that when this is so in matters mundane, shall we say that in matters spiritual hon. gentlemen will be wanting to place their time and energy at the disposal of God? When the qualifications of the President at all events and very probably of the Commissioners also are the same—namely, being retired district judges or subordinate judges—is it seriously contended that persons with the requisite qualifications will not be forthcoming to place their services at the disposal of the country without any remuneration? I am quite sure that these retired gentlemen will do their utmost so that when they have finished their sublunary work and go to Heaven they will be able to answer before God and give an account of the good they have done even after retirement. I therefore think that persons will be forthcoming to undertake honorary work."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I must first appeal to the hon. the Minister to proclaim in this case also that the House will be free to vote as it pleases. He cannot say that hon. Members who have given notices of similar motions, such as the hon. Members Messrs. Sivagnanam Pillai, Shanmukham Pillai, Ranga Reddi, Ramalinga Chettiyar, cannot know what they are about."

The hon. the RAJA OF PANAGAL :—"I wish to point out that those hon. gentlemen gave notices of amendments when they did not know that the Advocate-General's amendment to treat the Commissioners as public servants would come in. Now that the amendment of the Advocate-General has been accepted, it is a different matter."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I do not know, Sir, whether the acceptance of the Advocate-General's amendment has anything to do with the making of the post of Commissioners honorary. The Advocate-General simply wanted to treat the Commissioners as public servants. Similarly, bench magistrates are public servants, the taluk board members are public servants, members of municipal councils are public servants. In the same way the members of this Board of Commissioners are also public servants. As regards the question whether the Commissioners should be paid or not, I am surprised to find the hon. Minister making reference to the fact that because the Commissioners are public servants, they should not be

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Clause 10—cont.

honorary. All I can say is that the one has absolutely nothing to do with the other. Whether the Commissioners are paid or not, they have to discharge certain duties. As they are taking a responsible position they must have attached to their office all the duties, responsibilities and rights that appertain to public servants. I therefore submit that the first objection raised by the hon. Minister goes away.

"Then, Sir, as for the previous history, the hon. Minister seems to have forgotten the fact that Mr. R. Ragunatha Rao in his minute of dissent, written half a century ago, said that people would be forthcoming to accept honorary posts."

The hon. the RAJA OF PANAGAL:—"That goes only to strengthen my position that this aspect of the question was considered even then and that in spite of one dissentient voice, the committee has, as a body, decided in favour of paid Commissioners."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I only mentioned the dissenting minute of Mr. R. Ragunatha Rao to correct the impression that the various reports were unanimous as to having paid Commissioners. It will be observed that times have considerably changed since the date when Mr. Ragunatha Rao wrote his dissenting minute. We certainly have got now a large body of rich, influential, educated and leisured men. Aristocrats like the Raja of Ramnad and the Raja of Panagal have taken the lead in the democratic party. That is proof positive that really competent people will be forthcoming to place their services at the disposal of the public. I submit it is too much to say that not even one in this world would be forthcoming to take up honorary work. So far as India is concerned, the question of religion is quite different from that in other countries. We are born in a country where great kings gave up their entire kingdoms for the sake of religion. We are born in a country where great teachers like Sri Vedanta Desika have spurned gold coins as mere dust. We are born in a country where scores of Saiva and Vaishnava Acharyas have flourished sacrificing their all for the sake of religion. In this country the great Swami Vivekananda was born but a few years ago and we have got scores of sanyasis who are prepared to dedicate their lives for religion. Having been born in such a country, it is really unfair to say that we cannot find competent men to undertake the duty of Commissioners unless they are paid.

"One other thing that I wish to say is this. We have at present decided to have one central board consisting of four or five Commissioners. But as time goes on there may be necessity for very many boards in all the centres of the Presidency. They will be called upon to decide important questions connected with religious institutions. We will require intellectual giants, men with great experience, to serve on those boards. We all know the saying that if a pie of a God goes to the estate of any individual, that individual will be ruined. It has been stated over and over again and it is also a fact that many families of people who have misappropriated God's money have been ruined. If we carefully analyse the families, we will find that the God's money they have misappropriated has not only vanished but that it has also taken away with it the other money which the family might have legitimately got into possession. Like the proverb that new

[Mr. C. V. Venkataramana Ayyangar] [28th March 1923]

Clause 10—cont.

flood takes away the old flood, a single pie of God will utterly ruin the family to which it goes. On this ground also I say that it is desirable to have honorary Commissioners who will faithfully discharge their duties for the sake of God and their religion. I would appeal to the hon. Minister to see whether he could not arrange for a compromise and decide that in cases where honorary workers could not be found, payment could be made. If we are able to get people who volunteer their services, why can we not avail of their services. I am sure that retired district judges and subordinate judges could be had in large numbers to perform the duties of Commissioners without any pay. There are also retired High Court vakils who would be willing to offer their services for the sake of God. I therefore appeal to the hon. Minister to see his way to accept the amendment."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, I am very glad to find that my hon. friend, Mr. C. V. Venkataramana Ayyangar, has got an extensive knowledge of the world, but I am sorry to say that with all that he has not understood human nature. For, no human being will be willing to work without any consideration. That is also animal nature. According to our friend's proposition:—

1-15 p.m.

காசுக்கொரு குதிரையும் வேண்டும்
காற்றைப்போல் பறக்கவும் வேண்டும்,

that is, he wants a horse for a pie and it should fly like the wind. How is this possible? He said that temple funds should not be wasted in this way and added that whoever devoured such funds, would be ruined. According to that principle, most of the families of lawyers must come to an end, because they have grown fat at the expense of religious endowments. In framing schemes for the better management and proper conduct of religious affairs, the High Court appoints receivers who are paid amply out of the funds of the endowments. They are appointed for the purpose of attending to religious affairs. But in the present case, the Board of Commissioners is to be constituted for the purpose of looking after the secular affairs of the temples. They are not appointed to perform *bajana* during day and night. They are there absolutely for the purpose of settling disputes and other affairs connected with religious endowments. As such, we cannot expect them really to work without remuneration. It is impossible to expect any man, however saintly and religious he may be, even though he paints himself with all the colours of the rainbow, to work without any remuneration. If he were to do honorary work the work would not be done satisfactorily. That is human nature. Such being the case, to say that these Commissioners of the Board should be honorary is childish and absurd on the very face of it. I therefore oppose this amendment."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I have given notice of a similar amendment. Our fear is that if this amendment goes out, ours will be ruled out of order. May I be permitted to speak, Sir, on this amendment?"

The hon. the DEPUTY PRESIDENT:—"Yes, the hon. Member can speak."

Mr. R. SRINIVASA AYYANGAR:—"I thank you, Sir, for your indulgence. My amendment is almost similar in substance to the one that has been moved by my hon. friend, Mr. A. S. Krishna Rao, but on one fundamental point

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Clause 10—cont.

there is a difference. I am also for doing away with pay mentioned in sub-clause (2) and the proviso thereof for this body of Commissioners. In the course of his arguments, if not to-day, at least yesterday, my friend, Mr. Krishnan Nayar, made a statement on the floor of this House that he had no faith in efficient work being done by honorary workers."

Diwan Bahadur M. KRISHNAN NAYAR:—"May I rise to offer a personal explanation, Sir? I added also 'provided the work is heavy'."

Mr. R. SRINIVASA AYYANGAR:—"My hon. friend never said that, and to-day he comes forward with that explanation."

The hon. the DEPUTY PRESIDENT:—"I think the hon. Member had better accept that and proceed."

Mr. R. SRINIVASA AYYANGAR:—"My friend, Mr. Krishnan Nayar, also spoke of presidents of district boards going to office once in two months and finishing off their work. But, as a matter of fact, I must demur to the accuracy of that statement. I know of instances of district board presidents spending on an average not less than two hours a day in dealing with files and other matters of detail and importance affecting the policy of the various departments in their charge and under their control. Now, I ask, is it desirable to have a paid agency? My submission is that the central board must purely and completely consist of honorary and unpaid agency if that agency is to function satisfactorily, to function religiously, and to function in a manner that will commend itself to their conscience and command the confidence of the people at large. The hon. the Minister quoted the opinion of Sir T. Muttuswami Ayyar, Mr. Chentsal Rao and others in support of the view he took up. When I make these observations, I am not unmindful of the views adumbrated by Mr. Robinson therein who insisted upon these officers being paid heavily and largely. In spite of that, I accept the opinion of Mr. Carmichael, a distinguished member of the Civil Service, and also a member of the Executive Council, who said that he was against the idea of the Board of Commissioners being paid. Now, times are changed. We have a plethora of men and it cannot be said that the country is wanting in talents, or wanting in men fired with patriotism, and desirous of placing their talents and service at the disposal of the country. I should submit that there will be men, and I can even mention some names in the ranks of our illustrious countrymen, who may be willing and who may be prepared to take up this work honorarily; and, if, as a matter of fact, men are found wanting, it will, I submit, be a sad commentary upon the public spirit of this province. Therefore, I submit that all these considerations incline me to the view that I take up, viz., that this agency must be wholly honorary and unpaid."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, the only objection that has been raised to this motion by the hon. the Raja of Panagal is that it is not possible to go back upon the theory that the Commissioners ought to be paid, because we supported the point of view of those illustrious persons who made reports upon these endowments forty or fifty years ago. It may be pointed out that even then there was a difference of opinion expressed and persons even then suggested that honorary workers would be forthcoming though the majority of the members of that committee were

[Mr. A. S. Krishna Rao Pantulu]

[28th March 1923]

Clause 10—cont.

against them. But, Sir, does the hon. the Raja of Panagal realize that between that period and the present period there has been such a long interval of fifty years, and we have seen clear indications of a growth in public spirit in this country? Does the Minister realize that we have witnessed several voluntary workers in this country spending all their time and energy in public work gratuitously and at considerable self-sacrifice? I do not wish on this occasion to draw any invidious distinction by mentioning names, but suffice it to say that, if the hon. the Raja of Panagal has not realized that in the last twenty or thirty years there have been, before the public, persons who have been devoting their time with earnestness and devotion to the public cause at considerable sacrifice to themselves, I believe, Sir, that he is not a good observer of things which had been happening during all these days. I wish to point out that even in the report of the select committee in connexion with this Bill, though the majority were for the appointment of paid Commissioners, there were persons who sent up their minority reports suggesting definitely that persons would be forthcoming and that, therefore, the idea of paid Commissioners ought not to be accepted. May I draw the attention of this House to some of the observations made by my hon. friend, Mr. Sivagnanam Pillai, in his minute of dissent? This is what my hon. friend says:

I object entirely to the proposed system of payment of salary to the president or any members of the board.

Persons possessing the necessary qualifications and willing to serve their country gratuitously are available in plenty as is evidenced by the presence of similar classes of persons in the Legislative Council. It will be quite sufficient if the members and the president of the board are paid their travelling allowance when they go on tour.

The only point which the hon. the Minister made in reply to the suggestion was that probably they came to that conclusion not being aware of the possible amendment since put forward by the hon. the Advocate-General. Now, what does that amendment say? It only says that the Commissioners are deemed to be public servants. But that is nothing at all. So far as that is concerned, we find it in any constitution of the local board. In the local board, every officer, and every president is a public servant with reference to the Penal Code. They have got the same protection and they are subject to the same disabilities as any other public servant. The municipal councillors also are public servants."

The hon. the RAJA OF PANAGAL:—"I repudiate that statement, Sir. The municipal councillors are not public servants."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"So far as the Local Boards Act is concerned, Sir, I am positive, and I can give reference to my hon. friend, if necessary, that they are placed under the category of public servants."

The hon. the RAJA OF PANAGAL:—"May I know, Sir, whether the municipal councillors and the municipal chairmen are public servants according to Mr. Krishna Rao?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I shall just give the reference, Sir. I am positive about the Local Boards Act and if my hon. friend, Mr. Gopalaswami Ayyangar, who is the Inspector of Municipalities, will kindly hand over the Municipalities Act, I think I can point out the

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Clause 10—cont.

reference. Sir, I take it that my hon. friend, the Raja of Panagal, does not repudiate it in the case of the local boards, but that he repudiates it only in the case of the municipal councillors."

The hon. the RAJA OF PANAGAL :—"Sir, when my hon. friend did not refer to it, how could I repudiate it."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"With regard to the point that has been raised, I think it is better that that is cleared."

The hon. the DEPUTY PRESIDENT :—"I think they are public servants for the purpose of the Penal Code. That is my recollection. The hon. Member can proceed."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"With your assurance also, Sir, I must state that there is no force in that contention. But, after all, does it make any difference? Every officer in charge of public funds who is expected to administer public funds is a public servant and is liable to the penalties arising therefrom. What is the distinction drawn between a paid worker and an unpaid worker? I fail to understand the difficulty which the hon. the Raja of Panagal finds in the way of the suggestion of mine being accepted. There is no force at all in the objection that has been raised on the score of paid and unpaid workers. After all, it reduces itself to this. Are they going to further the position of these endowments by appointing a body of paid workers, or are they going to further it by making them do honorary work?"

The hon. the RAJA OF PANAGAL :—"Sir, I have followed the speeches of my hon. friend opposite, but I am afraid that he has failed to make out a case for the acceptance of his amendment. It has been stated in the course of this discussion that in India there have been a number of public spirited men, charitably and spiritually disposed. But, Sir, in a country like England, where I suppose there are also public spirited men and men charitably and spiritually disposed, the Commissioners are even to-day paid Commissioners. If we do not pay these Commissioners, the difficulty will be this. We will have to practically limit the choice of these Commissioners

1-30 p.m. to particular places where the Board will be situated. No man living outside will, at his own cost, come down to the

Headquarters of the Board, be it at Madras or some other place, and live there and expose himself to the cost of living in a place like Madras and work for the mere cause of religion. I know, Sir, there is a good deal of sentiment involved in the argument, but when we have to deal with hard facts, I think mere sentiment need not stand in our way.

"Reference has been made to the salaries of these Commissioners being chargeable to religious institutions. This expenditure is incurred on account of the institutions themselves. If a man who keeps a car or some other valuable article and wishes not to incur the risk of damage, what he should do is this: he should get it insured and voluntarily pay its insurance fee. So, Sir, this is a matter which ensures the successful management of these institutions. They need not grudge paying this small percentage.

"Again, Sir, reference has been made to the fact that Sankaracharya, Madhwacharya and Ramanujacharya took their birth in this land of religion. But is it meant that these spiritual teachers would have cared to administer

[The Raja of Panagal]

[28th March 1923]

Clause 10—cont.

any of these trusts? It is said that if a request was made they would have acceded to it. I for my part think that they would not have acceded to any such request. I ask the House to consider for a moment and say whether such people would have undertaken responsibilities of this sort.

"Another fact that was introduced during the course of the discussion was that on previous occasions when Bills of this sort were introduced there were dissenting minutes. I do not deny that. But the fact that only one out of a large number of members of a committee objected to the appointment, only goes to strengthen my view.

"Reference was also made, Sir, to the fact of some of the members of the Select Committee taking a different view. I do not deny that also. But a large majority of the Select Committee were in favour of paid Commissioners. I am very sorry I am not in a position to accept the amendment which my hon. friend has proposed."

The amendment was put to the House and declared lost.

Rao Bahadur A. S. Krishna Rao Pantulu demanded a poll which was taken with the following result:—

Ayes.

- | | |
|---|---|
| 1. Diwan Bahadur T. N. Sivagnanam Pillai. | 8. Rao Bahadur C. V. S. Narasimha Raju. |
| 2. Mr. S. T. Shanmukham Pillai. | 9. Mr. P. Siva Rao. |
| 3. " K. Adinarayana Reddi. | 10. " C. V. Venkataramana Ayyangar. |
| 4. " P. C. Muttu Chettiyar. | 11. " M. Suryanarayana. |
| 5. Diwan Bahadur M. Ramachandra Rao. | 12. Sriman Biswanath Das Mahasaya. |
| 6. " L. A. Govindaraghava Ayyar. | 13. Rai Bahadur T. M. Narasimhacharlu. |
| 7. Rai Bahadur A. S. Krishna Rao. | 14. Sriman Sasibhushan Rath Mahasaya. |
| | 15. Mr. R. Srinivasa Ayyangar. |

Noes.

- | | |
|---|---|
| 1. The hon. Sir Charles Todhunter. | 23. Mr. W. P. A. Saundara Pandiya Nadar. |
| 2. " the Raja of Panagal. | 24. " R. K. Shanmukham Chettiyar. |
| 3. " Rai Bahadur K. Venkatarreddi Nayudu. | 25. " K. Sitarama Reddi. |
| 4. " Rao Bahadur A. P. Patro. | 26. " T. Somasundara Mudaliyar. |
| 5. Mr. E. S. Lloyd. | 27. " S. Somasundaram Pillai. |
| 6. " A. Y. G. Campbell. | 28. " V. C. Vellingiri Goundar. |
| 7. Rai Bahadur N. Gopilaswami Ayyangar. | 29. " S. Muttumanikkachari. |
| 8. Mr. C. Madhavan Nayar. | 30. Diwan Bahadur R. Venkataratnam Nayudu. |
| 9. " E. Periyannayagam. | 31. The Raja of Ramnad. |
| 10. " T. C. Tangavelu Pillai. | 32. Mr. K. Prabhakaran Tampan. |
| 11. " A. Ramaswami Mudaliyar. | 33. " Abbas Ali Khan Bahadur. |
| 12. Rao Bahadur P. O. Ethirajulu Nayudu. | 34. Mustapha Ravuttar Ahmad Miran Sahib. |
| 13. Diwan Bahadur M. Krishnan Nayar. | 35. Munshi Muhammad Abdur Rahman Sahib Bahadur. |
| 14. Mr. C. Ramalinga Reddi. | 36. Khan Bahadur Muhammad Sadulla Badsha Sahib Bahadur. |
| 15. Rao Bahadur O. Tanikachala Chettiyar. | 37. " Muhammad Usman Sahib Bahadur. |
| 16. Mr. W. Vijayaraghava Mudaliyar. | 38. Rao Sahib M. C. Madurai Pillai. |
| 17. " J. Kuppuswami. | 39. Mr. G. Vandanam. |
| 18. " B. Muniswami Nayudu. | 40. Rao Sahib P. Venkatarangayya. |
| 19. " M. Narayanaswami Reddi. | |
| 20. Rao Bahadur C. Natesa Mudaliyar. | |
| 21. Mr. V. P. Pakkiriswami Pillai. | |
| 22. " P. T. Rajan. | |

Fifteen hon. Members voted for the motion and 40 against. The motion was lost.

Clause 10 was put and passed and added to the Bill.

The House adjourned for lunch at 1-40 p.m. and re-assembled at 2-30.

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New clause after clause 10.

(Amendment No. 84.)

Mr. B. MUNISWAMI NAYUDU :—" I beg to move—

2-30 p.m. *Add the following as clause 10-A :—*

‘ 10-A. Every Board shall by such name as the Local Government may determine be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued.’

“ Sir, a similar provision has been made in the Bill with regard to Committees. I think, due to oversight or some other cause, this provision has not been made with regard to the Board of Commissioners. I therefore formally move for the addition of this new clause.”

The hon. the RAJA OF PANAGAL :—" If this motion is accepted, it will have to go as a sub-clause to clause 7. If the hon. mover has no objection to that course, I shall accept his motion.”

Mr. B. MUNISWAMI NAYUDU :—" I have absolutely no objection.”

The new sub-clause was put and passed and inserted as sub-clause (2) of clause 7.

Clause 11.

Sub-clause (2).

(Amendment No. 85.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I beg to move—

Add at the end the following :—

‘ or the Jain religion as the case may be ’.

“ Sir, there is a provision in clause 11, sub-clause (2), that a Commissioner shall cease to hold his office if he ceases to profess the Hindu religion. My amendment is that if a Commissioner happens to be a Jain and if he ceases to profess the Jain religion, he also must cease to hold his office in the same way as those who profess the Hindu religion cease to hold their office if they cease to profess the Hindu religion. That is my object in moving this amendment.”

The hon. the RAJA OF PANAGAL :—" Since a previous amendment to make it obligatory on the part of the Government to appoint a Jain Commissioner has not been accepted, the contingency of a Jain member ceasing to profess his religion does not arise. So, Sir, there is no necessity for this consequential amendment.”

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" It is not exactly a consequential amendment. In the first place, it neither presupposes the appointment of a Jain Commissioner nor does it lay an obligation on the Government to appoint as a Commissioner, whether he is a Jain or Hindu. It simply says that if a Jain is appointed as a member of the Board and if he ceases to profess the Jain religion, he is liable to be removed from the Board.”

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Clause 11—cont.

The hon. the RAJA OF PANAGAL :—"It presupposes that one of the Commissioners is a Jain."

The amendment was put to vote and lost.

Clause 11 was put, passed and added to the Bill.

Clause 12.

Sub-clause (2).

(Amendment No. 86.)

Mr. M. SURYANARAYANA :—"I beg to move—

For the words 'the senior Commissioner in order of appointment' substitute the words 'any Commissioner elected by the Board for the time being.'

"Who out of the two or three Commissioners is to preside is a very small matter. A notification is put in the *Gazette* on the same date that such and such persons have been appointed as Commissioners. Unless you say that the question of seniority is to be decided according to the order of the names in the *Gazette* I cannot understand what you mean by saying that 'the senior Commissioner in order of appointment' shall preside. I do not think you are justified in saying that a certain gentleman is senior simply because the name of that gentleman, purely by accident, happens to be the first in the notification. Under these circumstances, I do not think there is anything wrong if you elect the President for the time being."

The hon. the RAJA OF PANAGAL :—"If I accept the hon. Member's amendment there will be this difficulty. The appointment is a paid appointment carrying a higher salary than that of the Commissioner. There will be very keen competition for the place. There will be two candidates supposing each of the Commissioners gives his vote to himself, then the question who is to be President has to be decided by casting lots. On the other hand, the provision, as it stands at present, is quite plain and the Government can very easily indicate the seniority in the order of the appointment."

The motion was put to vote and lost.

Sub-clause (3).

(Amendment No. 87.)

Rao Bahadur T. NAMBERUMAL CHETTIYAR :—"Mr. President: I move—

2-45 p.m.

Add at the end the following:—

'who with the President shall make the quorum of three.'

"Sir, no business should be conducted unless there are three Commissioners present, i.e., the President and two other members. It is a simple motion. I hope the hon. the Minister will accept."

The hon. the RAJA OF PANAGAL :—"The difficulty is this. There may be a Board consisting of three members and if all of them are obliged to be present, where is the question of quorum? Therefore it is not possible to accept the amendment."

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Clause 12—cont.

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"May I know, Sir, what quorum he intends fixing for the meeting?"

The hon. the RAJA OF PANAGAL:—"We have fixed the number of Commissioners from 3 to 5. The contingency may arise when the number of Commissioners may be 3. In such a case if we insist on forming a quorum then it would be insisting upon all members being present."

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"That any measure should be disposed of by a Board consisting of one or two members is very objectionable. Therefore, I say that even if the Board consists of only three people let all of them attend. I press my amendment."

The amendment was put and lost.

New Sub-clause-after Sub-clause (4).

(Amendment No. 88.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"I formally move—

Add the following as sub-clause (5):—

'(5, In emergent cases or when there is no sufficient work for the meeting, the President may circulate the papers among the Commissioners and the opinion of the majority of the Commissioners shall be considered to be the decision of the Board, the President having an additional vote in the case of equal opinions.

Provided, however, that if at least two of the Commissioners desire that any subject be placed at a meeting of the Board, it shall be done so."

The hon. the RAJA OF PANAGAL:—"What my hon. friend wants is covered by clause 15."

The motion was by leave withdrawn.

Clause 12 was then put, passed and added to the Bill.

Clause 13.

Sub-clause (a).

(Amendment No. 89.)

Mr. A. RANGANATHA MUDALIYAR:—"I move—

After the words 'of its' insert the words 'officers and'.

"If you turn to clause 15 you will find that the Board has to take security from its officers as well as servants. I take it that some of these officers also may have to be paid. In order to provide for the fixing of their salaries, I suggest that the words 'officers and' may be inserted after 'of its'."

The hon. the RAJA OF PANAGAL:—"I have no objection to accept this amendment."

The motion was put and carried.

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Clause 13—cont.

Sub-clause (b).

(Amendment No. 90.)

Rai Bahadur T. M. NARASIMHACHARLU :—" I move —

Insert the word 'may' between the words 'appoint and' and 'transfer'.

"It is only a verbal amendment that I propose. It is said that the President of the Board shall appoint and transfer such servants . . . etc. You will find, Sir, that the word 'shall' will also go with transfer. If it remains as 'shall transfer' it means that there is an obligation on the part of the President to make transfers even though there may be no necessity for them. So I propose that the President of the Board shall appoint such servants, but *may* transfer them if there is any occasion for it."

The hon. the RAJA OF PANAGAL :—" I see that there is some force in what the hon. Member says. But instead of having the amendment in the form in which it is proposed if the hon. Member withdraws the motion I will move to substitute 'may' for 'shall'."

Rai Bahadur T. M. NARASIMHACHARLU :—" Certainly, I have no objection. But the other day the Advocate-General created the dilemma that 'may' meant 'shall'."

The hon. the RAJA OF PANAGAL :—" In that case even this may is capable of being interpreted as shall."

Rai Bahadur T. M. NARASIMHACHARLU :—" Here if 'may' means 'may' then the President may not appoint any servants at all. If 'may' means 'shall' the President shall appoint. The same difficulty will arise. Therefore I have no objection if the President is made clear that he need not transfer under a statutory obligation."

The hon. the RAJA OF PANAGAL :—" We now know, Sir, what the hon. Member wants. In finally redrafting the Bill this point will be attended to."

The motion was by leave withdrawn.

(Amendment No. 91.)

Mr. T. SIVASANKARAM PILLAI :—" Sir I move—

Add at the end the following :—

'subject to a right of appeal to the Board in cases of suspension or dismissal'.

"Sub-clause (b) reads thus :—

The President of the Board shall appoint and transfer such servants and may fine, reduce, suspend, remove or dismiss them for breach of rules or discipline, for carelessness, unfitness, neglect of duty or misconduct."

"Similar provisions exist in the Local Boards Act, the Municipalities Act, and so many similar Acts. All these Acts provide for the hearing of appeals. But a similar provision does not find a place here. Ordinarily, even in insignificant union boards the servants are allowed the right of appeal. The Board is likely to have officers, probably, decently paid like Superintendents, Inspectors and their Assistants. Of course, I want to confine this provision to cases of suspension and dismissal."

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Clause 13—cont.

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Mr. President, Sir, if I heard the hon. Member aright, I think he said that there was some specific provision in the Local Boards and District Municipalities Acts giving the right of appeal in terms of this amendment. If I remember right, I do not believe there is any provision specifically mentioning the right of appeal. I would also point out to him that the language adopted in this clause is almost exactly the same as the language there. The words 'subject to such control as may be prescribed' are found in those Acts also. It is under this provision of the Local Boards and District Municipalities Acts that the Government allow appeals by means of rules. In the same way, under this Act rules will no doubt be made by Government to allow appeals in the manner suggested in the amendment."

Mr. T. SIVASANKARAM PILLAI :—" Appeals have to be made to the Board. It is the Board that has to punish."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" May I say a word just to correct a misapprehension the hon. Member is labouring under. The words used here are :

Subject to such control as may be prescribed.

If you turn to the definition you will see that 'prescribed' means 'rules prescribed by the Local Government'."

The motion was by leave withdrawn.

(Amendment No. 92.)

Mr. A. RANGANATHA MUDALIYAR :—" I move—

Add at the end the following :—

'or other sufficient cause'.

If you turn to clause 11 you will find that the Local Government has the power to suspend or remove any Commissioner from his office for several reasons the last of which is for corruption, misconduct or other sufficient cause. I think the same reasons which would justify the Government to remove a

3 p.m. Commissioner should apply also in the case of the servants of the Board. So, to make it plain I think that the words 'or other sufficient cause' must be added."

The hon. the RAJA OF PANAGAL :—" I accept the amendment."

The amendment was put and carried.

Clause 13 as amended was put and passed and added to the Bill.

Clause 14.

(Amendment No. 93.)

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to move—

Omit this clause.

"The existing clause 14 of the Bill is as follows :—

(1) The general superintendence of all religious endowments within the territorial jurisdiction of a Board shall vest in such Board.

[Mr. M. Ramachandra Rao Pantulu] [28th March 1923]

Clause 14—cont.

(2) Subject to the provisions of this Act, the Board may do all things which are reasonable and necessary to ensure that maths and temples are properly maintained and that all religious endowments are properly administered and duly appropriated to the purposes for which they were founded or exist.

“Sir, I think hon. Members are now sufficiently familiar with the draft before them. We see that so far as the Board is concerned, its various duties, its powers on the temple committees, its jurisdiction in regard to religious endowments in general and in regard to the temples and excepted temples and maths in particular, and also in regard to the application of endowment funds and other matters, are all specifically referred to and laid down in various clauses of this Bill. That being so, I submit that this wide power of general superintendence of all religious endowments and the power to do all things which are reasonable and necessary is far too wide and unnecessary. If this Board is to function properly, it should not have this wide general power of superintendence but should have specific powers as contained in the various clauses. It seems to me that this residual power is far too wide an order even for the Board as conceived by my hon. friend, the Raja of Panagal. He says ‘we are living in Kaliyuga; many things may be done in Kaliyuga which were not done in the previous yugas’. But even in this Kaliyuga there should be some limitation of powers in a Bill of this nature.”

The hon. the RAJA OF PANAGAL :—“I do not know what my hon. friend, Mr. Ramachandra Rao, is aiming at. What does he mean by saying that I said things might or might not be done in Kaliyuga? I never said that anything that might not be done in other yugas might be done with impunity in Kaliyuga.”

The hon. the DEPUTY PRESIDENT (in the Chair):—“Does the hon. Member propose to read a chapter of the *Puranas*?”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“I do not propose to do it, nor do I wish to say anything as to what might be done or might not be done in Kaliyuga. But as some reference was made by my hon. friend to the Kaliyuga in which we were living, I referred to it.

“I think that even now, it is certainly not too late to define the powers of the Board specifically; and we should not leave this large order of superintendence and doing all acts, which are reasonable and necessary, to the wisdom of the Board. I think my hon. friend is putting far too much power in the hands of the Board by saying that it can do whatever it considers necessary and reasonable in the matter of the administration of the religious endowments. I will think that this particular provision is likely to cause a great deal of embarrassment to the Government, to the Board and also to the institutions which will be committed to the control of the Board. I have already stated that the exact powers or the specific duties and responsibilities of the Board in regard to the excepted temples, etc., are all defined in the other provisions of the Bill. These powers and duties having been defined, I am really unable to see what the reasonable and necessary things are which are not covered by the specific provisions of this Bill or what the general superintendence is which the Board has to exercise. It may be said that Regulation VII of 1817 contained the words employed in this clause. But it is now a century since that regulation was drawn up, and, as my hon. friends are aware, under cover of one section all the duties were performed hitherto. But in these days, when we have made an advance

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Clause 14—cont.

in drafting, when specific duties are laid down in Bills, to give a general power such as this is likely to cause a good deal of embarrassment to the Board and the institutions. It is quite possible that, with reference to some Act, the Board might issue some instructions and say 'we consider this to be reasonable and necessary'. It therefore seems to me that it is wiser to drop this clause 14 altogether."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, I have also tabled an amendment of a similar nature. I submit that as the clause stands, there is no provision even for an appeal against the orders of the Board when it exercises powers under this clause. Apart from the fact that there is general superintendence and that it can do all things which are reasonable and necessary to ensure that maths and temples are properly maintained and so on, the fact that there is no provision for any appeal from the orders of the Board would lead to dangerous consequences. I would further point out that if there have been no provisions in the Bill regarding the powers of the Board, I can find some justification for such a general clause. The framing of the Bill would show that in chapter IV and subsequent chapters, there have been specific provisions inserted regarding the powers of the Board as to what they are to do, how they are to control, and so on. When we find such specific provisions in the Bill itself regarding the powers and duties of the Board, to add another clause saying that all the general superintendence is vested in the Board, will be opening a wide field for their doing acts which may not be quite acceptable. When, further, we remember there is no means of checking their acts, it will be dangerous to allow such a provision as this in the Bill."

The hon. the RAJA OF PANAGAL:—"I see there is a good deal of force in what the hon. Members say. I trust that the amendment of Mr. Govindaraghava Ayyar, if accepted, will satisfy the hon. Members. Hence, if the hon. mover will withdraw this amendment, I will accept the amendment of the hon. Member, Mr. Govindaraghava Ayyar."

Mr. B. MUNISWAMI NAYUDU:—"Mr. President, Sir, it will be seen that under Regulation VII of 1817 the general power of superintendence was vested in the Board of Revenue. We are now repealing Regulation VII of 1817. In the Bill as originally presented to this House, there was no clause repealing Regulation VII of 1817. In the Select Committee we wanted that Regulation VII of 1817 should be repealed, and when it was repealed the general powers which were hitherto vested in the Board of Revenue had to be transferred to the Board contemplated by this Bill. Therefore that general power mentioned in sub-clause (1) cannot be really objected to."

"With reference to the objection to sub-clause (2), viz., that it is rather wide, that powers are given to the Board to do all things which are reasonable and necessary to ensure that maths and temples are properly maintained, I may point out that very eminent committees presided over by eminent judges, who were experts in drafting, adopted the same course. I may refer to Sir Muttuswami Ayyar's Bill first. Clause 28 of that Bill says:

From and after the date on which this Act comes into force, every committee, established under Act XX of 1863 for any local area and which by section 25 is constituted a committee established under this Act, shall have superintendence and control over all temples within such local area.

[Mr. B. Muniswami Nayudu]

[28th March 1923]

Clause 14—cont.

Clause 41 of the same Bill says :

Subject to the provisions of this Act, it shall be the duty of every committee to take such measures as may be necessary to ensure that all endowments of temples under its superintendence are duly appropriated to the purposes for which they were founded, that they are not converted to the private use of individuals or otherwise misappropriated, and that the established usages of such temples are observed and maintained.

Thus there are two clauses here, one giving general power of superintendence and the other giving powers of taking such measures as may be necessary. Instead of saying 'taking such measures as may be necessary', we have in our Bill—

May do all things which are reasonable and necessary.

I do not really see how the present wording takes us further than the wording in the original Bill. The very same words are had in Chentsal Rao's Bill. Instead of two separate clauses as are found in those Bills, we have used two separate sub-clauses. Sub-clause (1) refers to the general superintendence and sub-clause (2) says :

Subject to the provisions of this Act, the board may do all things which are reasonable and necessary and so on.

I do not see any reason for the alarm raised by my hon. friends and for saying that very extraordinary powers are given to the Board. I submit, Sir, that if in this matter we have erred, we have erred in good company, in the company of Sir Muttuswami Ayyar and other eminent men."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, I am afraid that the hon. Member from Chittoor, Mr. Muniswami Nayudu, has not correctly grasped the significance of clause 14 of this Bill or the significance of the measures to which he has drawn our attention for the purpose of showing how this clause is to be retained in the Statute Book. There are two arguments which have been pressed upon the attention of this House. The first is this : that we are merely reproducing the provisions of Regulation VII of 1817. The second argument is that in Bills of a similar character framed by Sir Muttuswami Ayyar's and Chentsal Rao's committees we find provisions similar to this. I shall endeavour to meet both these points.

"So far as the first point is concerned, namely, that we find a similar provision in Regulation VII of 1817, the House will notice that the details of the superintendence, which we find embodied now in the present Bill, are not mentioned in Regulation VII of 1817 ; and apart from the question of lapse of a century and therefore the possibility of better drafting, we find that the power of general superintendence was given without stating what exactly that general superintendence meant. But as a matter of fact, we find

3-15 p.m.

in the present Bill specific provisions showing how this general superintendence is to be exercised, and it will be competent for courts to say that whereas specific provisions are given, there is the residual power also given to the Boards in question, so that the effect of that will be that whatever is not covered by the provisions which give specific powers may be brought in under the provisions of this clause. Obviously this is not what the House intended. As the House would recollect, a distinction has been made between temples which are to be under the control of committees and excepted temples and maths which

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Clause 14—cont.

are to be under the control only of the Board. These are to have less stringent control by the Board than the Committee Temples will have under the Committee. In these circumstances, to invest the Board with general superintendence which will cover almost every act of superintendence—and this has certainly not been intended so far as the scheme of this Bill is concerned—will be somewhat improper. But that is not the only reply to that part of my hon. friend's argument. You will find that under Act XX of 1863, which is the Act that we are now seeking to repeal, so far as this Presidency is concerned, much of Regulation VII of 1817 as relates to religious endowments has been repealed, so that it is no longer law. You will find that in Act XX of 1863 there is no similar provision in regard to temples coming under section 4 of the Act. The reason is obvious. For in Act XX of 1863 you find specific provisions laid down as to how this superintendence is to be exercised where it has to be exercised. That is what I have to say so far as the first portion of my hon. friend's criticism of the amendment is concerned.

"With reference to the second portion, you will find that neither Chentsal Rao's Committee nor Sir T. Muttuswami Ayyar's Committee advised the creation of a Board, a Board as distinct from a Committee, giving the Board a different function from what is being given to the committee. In these circumstances, Sir, it is but reasonable to expect that they retained the scheme of having committees and giving them certain powers of superintendence. Now, this question may have to be considered when we go into the question of the powers of the committees which is covered by a separate clause altogether. So far as the Boards are concerned, I venture to think that according to the scheme in the Bill these Boards ought to have certain specific functions which functions vary as the institutions which they control are committee temples or what are called excepted temples and maths. You will be taking away the efficacy or the meaning of this provision by retaining this general clause which gives all kinds of power to the Boards with reference to the institutions under their control."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I have given notice of a similar motion so far as the second part of the amendment is concerned, so that the whole is not to be taken away till the second sub-clause is considered. I shall just say a few words as to why the second sub-clause should be taken away. So far as the general superintendence is concerned, if it is there it will be subject to the powers of the Act. The whole poison is in the second clause. It says:

Subject to the provisions of this Act, etc.

The provisions give some powers to the Committees and some to the Board."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"If my hon. friend wants to retain any portion of this clause he can certainly move a separate amendment. But I am moving for the deletion of the whole clause."

The hon. the DEPUTY PRESIDENT (To Mr. Venkataramana Ayyangar) :—"You can move your amendment later on."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, my hon. friend Mr. Muniswami Nayudu referred to two later drafts, Muttuswami Ayyar's

[Mr. M. Ramachandra Rao Pantulu] [28th March 1923]

Clause 14—cont.

draft and Chentsal Rao's draft. But I think he would have done well if he had referred to the two earlier drafts which had proposed to constitute a Central Board."

Mr. B. MUNISWAMI NAYUDU:—"May I point out that they did not propose the abolition of Regulation VII of 1817?"

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"That does not matter. So far as the question of the two earlier drafts which aim at the creation of a Central Board is concerned, the duties of the Central Board are specifically mentioned, and this power of general superintendence is not vested in the Board. As to whether any other authority has it is entirely a different question. My only point is the Board whose duties are referred to in the later clause should not have the general power of superintendence. As it stands, clause 14 will be out of harmony with the general scheme of the Bill. I may say that this clause has suffered a good deal by the attempt to take one clause from one draft and another from another draft. This has really upset the harmony of the Bill. The question that we have to consider is what the general scheme of this Bill is, and whether clause 14 is in general harmony with the specific provisions of control and supervision which are dealt with in the later clauses of this Bill; and if it is not in harmony, clause 14 ought to go. That is the only point we have to consider, and I contend that a good deal of argument has been advanced for the purpose of showing that it is altogether dangerous, inconvenient and unnecessary to have clause 14 in the Bill."

The hon. the RAJA OF PANAGAL:—"Mr. President, I have listened to the arguments of both my hon. friends, Mr. Govindaraghava Ayyar and Mr. Ramachandra Rao. If I understood them correctly, the main criticism that they directed was towards the indefiniteness of the residuary powers that were given to the Board. That was the reason, Sir, why I said that I was prepared to accept the hon. Mr. Govindaraghava Ayyar's amendment. If I accept that, the indefiniteness will be removed, because then the Board can only exercise supervision to the extent provided for definitely by the provisions of this Bill."

The motion for omission of clause 14 was put and lost.

Sub-clause (1).

(Amendment No. 94.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"I beg to move—

Insert at the beginning the words 'Subject to the provisions of this Act.'

"Sir, after all, as the House will recognize, this is more in the nature of a drafting amendment. I may mention, Sir, that as the sub-clauses stand at present in clause 14, the first sub-clause vests the powers of general superintendence over maths of all kinds in the Board. Then, it is stated, with reference to certain things which are necessary for the proper maintenance of maths and temples that the Board may do these things. Now, Sir, the resolution that has been just rejected by the House contemplated that the Board should have only specific powers and no more. What I refer to is the very indefinite nature of the provision in sub-clause (1) which will

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Clause 14—cont.

practically grant powers to be exercised by the Board which are generally inconsistent with the rest of what you find in the Bill. The powers of general superintendence that are contemplated in this clause are subject to this specific provision, so that where the general power and the specific provision come into conflict it is the specific provision that will operate and not the general power; so that anything over and above this specific power, what is called the residuary power, will unhappily still vest in the Board in consequence of the rejection of the previous amendment. So, the next best thing is to propose the amendment in question and that I have ventured to put on the agenda paper."

The hon. the RAJA OF PANAGAL:—"I accept the amendment."

Rai Bahadur N. GOPALASWAMI AYYANGAR:—"With the leave of the hon. the Deputy President and the House I would propose this amendment:

That the word 'and' be inserted after the word 'Board' in sub-clause (1) and the words 'subject to the provisions of this Act' be inserted before the figure (1)."

This was accepted by the House. The amendment was put and passed.

(Amendment No. 95.)

Mr. R. SRINIVASA AYYANGAR:—"I beg to move—

After the words 'religious endowments' insert the words 'except maths'.

"Sir, I move an amendment of a radical character to sub-clause (1). On turning to the Bill, Members of this House will be pleased to observe that this is the first provision in the Bill which subjects these maths to the general superintendence of the Central Board known as the Board of Commissioners. The other day, in spite of much debate and discussion, our attempt to take maths out of the definition of the term 'religious endowments' proved futile. But all the same that does not debar me from bringing up this motion for the consideration of the House. I want to exclude this particular institution, namely, the math, from the general supervision to be exercised by the Board. Sir, I do not propose to go at length into fields already traversed by speakers on Monday and Tuesday, and I am equally conscious that in attempting to stand before this House I am really fighting a losing battle, or to be more accurate, I am leading quite a forlorn hope. If, in spite of that, I make this motion, it is due to a strong conviction on my part of the justice of my cause.

"I should only briefly indicate the peculiar character and the position which these *matadhipatis* occupy. And I think it is futile to make any serious attempt to reform these religious institutions by means of a legislative enactment. Nor is it possible to change the character of these religious functionaries by any legislative measure. Any reform to be effective and effectual must be from within. I think, in a matter like this, it is much better to look to the force of public opinion or the views of the disciples or the ordinary courts of law to intervene and set matters right than to invest the central authority with any wide powers. In the long run, I think it will be far more injurious to religion to place the *matadhipatis* under the control of this body than to get any occasional abuse of trust

3-30 p.m.

[Mr. R. Srinivasa Ayyangar]

[28th March 1923]

Clause 14—cont.

remedied either by the force of public opinion or by recourse to courts. And in this connexion, I am somewhat tempted to read out some observations of Sir T. Muttuswami Ayyar which are really germane to the point under consideration.

(Here the hon. the President took the Chair.)

It seems undesirable to subject *matams* to the control and scrutiny of committees of a general character, with no special sectarian leanings and no motive to pay the heads of *matams* that deference which their position as high priests makes them feel they are entitled to. If the spiritual head of a *matam* should be found guilty of malversation, it would be thought a grave abuse of power for any secular committee such as those to be appointed under the proposed Bill to remove them from office, as their continuance or removal depends upon the wishes of the votaries of the *matam*, who are almost always disposed to overlook all shortcomings and lapses on the part of their *guru* or high priest. Though some from whom we have received replies to our circular are emphatic in their denunciation of the general character of the financial administration of *matadhipatis* and pressing in their demand for putting *matams* on a par with temples, yet the preponderance of opinion is strongly in favour of the exclusion of *matams* as such."

The hon. the PRESIDENT :—"Order, order. The hon. Member's proposal is to insert the words 'except maths' after the words 'religious endowments' in sub-clause (1) of clause 14. The question of maths coming within the purview of the Bill has been debated at considerable length."

MR. R. SRINIVASA AYYANGAR :—"The whole discussion centred round the question whether maths were to be brought within the definition of religious endowments. That it should be brought in was accepted. This is a special clause dealing with the powers of superintendence to be exercised by the Central Board over the religious endowments."

The hon. the PRESIDENT :—"So far as I am able to understand, the hon. Member's plea is that on the previous occasion he objected to maths coming within the definition, while now he objects to the maths coming under the control of the Board of Commissioners. Later on, when he comes to chapter III, he will perhaps ask that maths cannot come under the control of temple committees. Again, still later, when he comes to the succeeding chapter, he will ask that they should not come under the head of 'Endowments in general'. We have to work the rules, and if any question has been substantially discussed and disposed of, no useful purpose will be served by reopening it, and therefore I have no hesitation in ruling him out."

Sub-clause (2).

(Amendment No. 96.)

MR. C. V. VENKATARAMANA AYYANGAR :—"I move, Sir—

Omit this sub-clause.

"I will just say a few words as to why I propose the omission. In the general discussion dealing with the clause . . ."

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Clause 14—cont.

The hon. the RAJA OF PANAGAL :—"I rise to a point of order, Sir. There was an amendment proposed by Mr. Govindaraghava Ayyar—amendment No. 94—in discussing which both the sub-clauses were dealt with and the Council accepted an amendment."

MR. C. V. VENKATARAMANA AYYANGAR :—"As you, Mr. President, were not here, I may be permitted to say what took place. Mr. Ramachandra Rao wanted that the clause should be omitted, and I then wanted to move the amendment standing in my name. As Mr. Ramachandra Rao feared that his case would be prejudiced, the hon. the Deputy President ruled that my amendment would come after that of Mr. Ramachandra Rao had been disposed of. So after speaking for one or two minutes I had to sit down in due deference to the ruling."

The hon. the PRESIDENT :—"The hon. the Minister is apparently referring to amendment No. 159 on the agenda which Mr. Ramachandra Rao moved. Now, Mr. Venkataramana Ayyangar wants to omit sub-clause (2) of clause 14. There may be people who object to omitting the whole clause but yet may be willing to omit a portion of it."

The hon. the RAJA OF PANAGAL :—"My point, Sir, is this. The amendment of Mr. Govindaraghava Ayyar has been accepted, and the effect of the acceptance is that the clause amended as such is accepted by the Council."

MR. C. V. VENKATARAMANA AYYANGAR :—"I will proceed, Sir. According to the argument suggested by you, my case is that there is no necessity for sub-clause (2) as sub-clause (1) is allowed to stand. Sub-clause (2) is, in my opinion, very mischievous and deserves to be deleted. Mr. Muni-swami Nayudu referred to the drafts of Mr. Chentsal Rao and Sir Muttuswami Ayyar. I am sorry that he was out of place in doing it, for the proper time for him to refer to them will be when clause 31 dealing with committees comes up for discussion. Now, we are dealing with the Board, and we have absolutely nothing to do with committees at present. That is one reason why we need not trouble ourselves about the previous history of the question."

"My second point is this: There is no reason at all why the scope of clause 14 should be wider than that of clause 31. Clause 31 gives powers of superintendence to committees and says exactly what sub-clause (1) of this clause lays down. I have no objection to sub-clause (1) being retained because it gives powers of general superintendence subject to the provisions of the Act. The jurisdiction of the Board is quite different from that of the committee in the Bill. I would respectfully submit that the position of the *maths* and excepted temples is far superior to that of the temples under committees. The restrictions to be imposed on *maths* and excepted temples should indeed be far less than those laid down in the case of temples. But unfortunately, Sir, the framers of this measure have invested the Board with greater powers than those allowed in the case of committees under clause 31. I submit, Sir, that this sub-clause will be very dangerous and mischievous in its operation. The words:

Subject to the provisions of this Act

[Mr. C. V. Venkataramana Ayyangar] [28th March 1923]

Clause 14—cont.

at the beginning of the clause are of no use and do not afford any safeguard. There is no limitation of the powers given to the Board. The Bill gives certain powers to the Board to enable it to do what it should, but nowhere does it say what the Board should not do. Therefore I say, Sir, that wide powers are given, and it does not much matter if it is subject to the provisions of the Act. The members of the Board are respectable gentlemen no doubt, but the *matadhipatis* are also very respectable persons and the temples that have to be dealt with are also respectable. Supposing, for instance, the Board asks the Sri Mahant of Tirupathi to be always up the hill on the ground that this is necessary to ensure proper administration of affairs, there is no appeal provided for. The Board is given absolutely wide powers to restrict the actions of *matadhipatis*. Again, if the Board orders that the Peria Jeeyangar of Tirupathi who has jurisdiction over the temple at Tinnanur should reside at Tinnanur, the order will be quite legal and regular and anything done against it will be irregular. This provision, I am sure, will lead to friction. Again, Sir, the object of this Bill is to reduce litigation. But every action of the Board can only be fought out in a regular suit. If, for instance, the Board says that the Peria Jeeyangar should live at Tinnanur in the interests of the temple for about six months in the year or for a certain number of days in a month, the Jeeyangar has only to file a suit for declaring the order illegal. Every order, unless it specifically comes under specific clauses of the Bill, can be taken to a court of law. If under clause 31 only general powers of superintendence are given to the committees, I do not see any reason why a wider provision should be made in the case of the Board. I will therefore appeal to the hon. Minister to accept the amendment. There is the first sub-clause which gives ample powers of superintendence. The second sub-clause may be taken away to avoid all possible friction and unnecessary litigation. The powers of the Board are clearly defined, and to give the Board ample powers over and above that definition will cause friction. The Board may consist of a Vadagalli-anti-Thengalai or a Saivite-anti-Vaishnavite and may choose to pass frivolous orders and this will lead to endless litigation. Therefore, I think it will be dangerous to give unlimited powers to the Board, and propose the deletion of the sub-clause."

The hon. the RAJA OF PANAGAL :—" I am still of opinion, Sir, that sub-clause (2) of clause 14 is, as it were, a sequence to the acceptance of sub-clause (1) of the same clause. According to the first sub-clause, the Board will have powers of general superintendence subject to the provisions of the Act, as amended by Mr. Govindaraghava Ayyar. The Board having these powers must be allowed to exercise them to the extent necessary, otherwise it will be in the plight of Shylock when he was to cut the pound of flesh without shedding a drop of blood. What is the meaning of giving them general powers of superintendence if they are not in a position to take any necessary steps? "

MR. C. V. VENKATARAMANA AYYANGAR :—" I can only say, Sir, that we do not see such a sub-clause in clause 31. Only the first sub-clause of clause 14 is reproduced there. I do not think that clause 14 will be useless without this sub-clause. General superintendence is different from the powers given under this sub-clause. General superintendence is different

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Clause 14—cont.

from giving orders as to what they think is proper. So, when in a later clause a subordinate body is given general powers without any such sub-clause, I do not see any reason why wider powers should be given in this clause."

The hon. the RAJA OF PANAGAL :—"I am unable to follow the arguments of my hon. friend. He says that elsewhere there is an inconsistency. That will not justify any inconsistency here. Even the inconsistency that he wants to make out does not really exist in clause 31. That clause begins with the words :

Subject to the provisions of section 14

and therefore the whole argument fails."

The amendment was put and lost.

(Amendment No. 97.)

3-45 p.m. Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, my amendment is—

Omit the words 'Subject to the provisions of this Act.'

"This follows from what has been done by this House with reference to my previous amendment to sub-clause (1), where the words

Subject to the provisions of this Act

have been added. These words occurring again in sub-clause (2) are obviously unnecessary, if they already find a place in the clause before the number '(1)'. I formally move my amendment."

The hon. the RAJA OF PANAGAL :—"I accept the amendment."

The amendment was put and carried.

(Amendment No. 98.)

Sir M. C. T. MUTTAYYA CHETTIYAR :—"Sir, I move—

Add at the end the following :—

'Excepting institutions maintained wholly or in part by voluntary subscriptions or offerings or managed by communities.'

Mr. President, the object with which I have tabled this amendment is to get excluded temples like the Sri Natarajaswami temple at Chidambaram and the temples managed by the Nattukottai Nagarathars. The latter class of temples, which is managed by a particular community, are not only places of worship but also places of social and communal arbitration in cases of communal disputes. The Council has already decided the case of the inclusion of the Chidambaram temple. So I do not know what the fate of my amendment will be with regard to the temples managed by particular communities. If the Government will only consider the case of these temples, I shall withdraw my amendment."

The hon. the PRESIDENT :—"The hon. Member cannot withdraw a motion which he has not made. Is the hon. Member formally moving it?"

Sir M. C. T. MUTTAYYA CHETTIYAR :—"With these few remarks, I do not move the amendment."

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Clause 14—cont.

The hon. the PRESIDENT :—" If the hon. Member does not move an amendment, he should not have made a speech. But nevertheless he has done it (laughter). This motion is therefore not made."

The motion was deemed to have been withdrawn.

New sub-clause after sub-clause (2).

(Amendment No. 99.)

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I move to--

Add the following as sub-clause (3) :—

' (3) The trustee or servant of a religious endowment may prefer an appeal against the acts of the Board under the above sub-section to the Court, within three months from the date of the communication of the order of the Board.'

" Notwithstanding the attempts made by certain amendments to have this whole clause deleted, the House has by a majority voted for its retention in the Bill. Having done that, it is, I believe, the duty of the House to provide all necessary safeguards to ensure that persons are not injuriously affected by the orders of the Board. So far as this clause is concerned, I have pointed out already in the previous motion that the powers given to the Board are so wide and dangerous that they must naturally give rise to considerable alarm and apprehension in the minds of those who are entrusted with the management of maths and temples. But, Sir, I would ask whether it is fair and just that those who are affected by the decisions of the Board under this general residuary clause, which gives wide and extensive powers, ought not to have a right of appeal to properly-constituted tribunals so far as they are affected. If we are not only giving the Board extensive powers but also refusing to give the trustees and servants of a religious endowment the right to prefer an appeal against the decisions of the Board, I think it will be doing something which will be a violation of all accepted principles of justice. So, I would request that this House may be so good as to limit the extensive and wide powers of the Board by providing for an appeal against the acts of the Board if preferred within three months from the issue of orders by the Board. I have suggested that the appeal may lie to the Court, the Court having been defined in the Bill itself, and that provision will take away much of the objections which have been urged for the retention of this clause in the Bill."

The hon. the RAJA OF PANAGAL :—" Sir, wherever it is found necessary that an appeal should be provided for, the right of appeal is provided for in the Bill. But to give a general power of appeal would mean the frustration of the very object of the Bill. The object of the Bill is to minimise as far as possible litigation in connexion with religious endowments. If every act which the Board does is appealable to a court of law, it means multiplication instead of minimization of litigation."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I am rather surprised at the attitude of the Government so far as this motion is concerned. I can understand a case where the powers of the Board are limited and defined, and in such a case one can reasonably ask whether there ought to be a right of appeal given or not. But where you are giving wide and extensive powers and where the powers are undefined and enable the Board to do

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Clause 14—cont.

anything they please, is it reasonable not to provide for any power of appeal and allow the Board to do whatever they like? I am so surprised at the attitude of the Government that I have no other alternative but to press this amendment."

The amendment was put and lost.

Clause 14 as amended was then put, passed and added to the Bill.

Clause 15.

Sub-clause (1)

(Amendment No. 100.)

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I move to—

Insert the words 'or the rules made thereunder' between the words 'with this Act' and 'or with any other law'."

The hon. the RAJA OF PANAGAL:—"I accept the amendment, Sir."

The amendment was put and carried.

(Amendment No. 101.)

Rao Bahadur T. NAMBERUMAL CHETTIYAR:—"Sir, I beg to move the following amendment standing in my name:—

(a) *Insert the following as item (e):—*

'(e) appointment of referees or religious panchayats, mahamahopadhyayas to inquire into religious disputes, whose decisions being accepted as final.'

(b) *Re-number the subsequent items.*

"Among the objects for the introduction of this Bill, it is very forcibly mentioned in the Preamble that when this Bill becomes law litigation will be greatly minimised. I consider, Sir, that religious disputes will continue unless some such provision as I have suggested is introduced. This simply gives power to the Board to co-opt some Commissioners to inquire into the religious disputes, and, after ascertaining their merits, come to a decision upon the particular matter in dispute and convey the decision to the contending parties who should accept it as final. My object in pressing this amendment is that litigation will not be minimised if such a provision is not introduced. Therefore, power for the Board to co-opt members to settle religious disputes is essential."

The hon. the RAJA OF PANAGAL:—"Sir, I have a great respect for the erudition and religious-mindedness of the mahamahopadhyayas. But, Sir, I do not think that that question arises in connexion with this clause. But when occasion requires that the Board should make a reference to these learned people, it is a matter for consideration for the Board. If the Board consider it necessary to refer any matter to the mahamahopadhyayas or other authorities, I am sure that they will do it. But I cannot understand why we should make special provision for it. Sir, I cannot accept the amendment as it is."

The amendment was by leave withdrawn.

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Clause 15—cont.

(Amendment No. 102.)

Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I beg to move—

Omit item (i).

"I want that this item (i) which refers to by-laws regarding the details which shall be included in or excluded from the budgets of committees and religious endowments may be taken away, because the addition of this specific power to the very wide powers that have been given will always be a danger and a source of friction. For instance, supposing the members of the Board consider a particular way of performing *puja* in a temple will be enough or that a more expensive way of performing it is necessary, this can be enforced in spite of the usual practice of the temple. Again, it may be that in a particular *math* in the matter of feeding Brahmans, or non-Brahmans or Siva-Siddhanta disciples the majority of the members of the Board may say that so much will be enough for feeding, or they may honestly think that such feeding is not necessary. Then there will be nothing to prevent them from doing such things, because there is absolutely no power to which the difference between the Board and the *math* people can be referred. That is the unfortunate position. Where specific powers are given and specific orders are made by the Board, there is provision for appeal. But where very extensive and unlimited powers are given, no power of appeal is allowed. I think this wide power of the Board over the details to be included or excluded from the budgets of religious endowments will certainly lead to unnecessary friction so far as the *matadhipatis* and the trustees of big temples are concerned. Take, for instance, the Mahant of Tirupati. I have particulars to show that the annual income of the Tirupati temple is Rs. 14 lakhs. We also know from the ancient history of this temple that there are a number of factions there. If three or four of them are able to file a petition to the Board and persuade them to condemn a certain action of the Mahant, the Board can make a rule *ex parte*, for there is no necessity for the Board to give any notice or anything like that to the Mahant. Supposing out of these 14 lakhs, some expenses are considered wasteful by the members of the Board, though this may appear very reasonable to the trustees, the Board may very well say 'here is a waste of money; it should be discontinued.' Or, they may say that some other particular item of expense is very useful and that it shall be incurred. All that will go without any right of appeal. The power that is given, therefore, seems to be very wide. There is already a specific provision in the Bill to the effect that budgets should be submitted, that auditors should

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go into the question of budgets, etc., and report thereon as to the inclusion or otherwise of any items or expenses. Therefore, there are powers which the Board, the auditor or the Government have under the Bill to restrict unnecessary, irregular or improper expenditure. That this general power should be given to the Board as to the details which shall be included in or excluded from the budgets of committees and religious endowments, seems as a consequence to be very strong and very wide. I think it is necessary that we should avoid friction in such matters and should not unnecessarily give room for troubles like this. *Matadhipatis* and excepted temples may be placed under the Board so that their accounts or budgets may be scrutinized; but they cannot be so placed for the sake of unnecessary orders from the Board as to details of

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Clause 15—cont.

budget items. It would be asking the Board to decide as though the whole power of the *matadhipati* was taken away. Therefore, Sir, I would appeal to the House, and through the House to the hon. the Minister—after all it seems that the decisions of the Minister guide the whole House—to see that some such thing as I have suggested is done, and see that room for friction is removed. With these words, I move my amendment.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Sir, the reason that weighed with me in tabling a motion for the deletion of this sub-clause (i) is that I had another amendment, Amendment No. 433, to omit sub-clause (a) of clause 57. That amendment is with reference to the provision under which a *math* or excepted temple is bound to submit budget and account statements to the Board. Clause 57 (a) reads thus :

The trustee of every *math* and excepted temple shall in each year submit to the Board before such date and in such form as the Board may require

(a) a budget showing the probable receipts and disbursements of the following year.

“ I have given notice of this amendment No. 175 also in order to be consistent with the other amendment ; for this sub-clause (1) also deals with the details of the budgets. I have no doubt that this is only a power given to the Boards for making by-laws and I am also aware that under sub-clause (2) no by-law or cancellation or alteration of a by-law made by the Board shall have effect until the same is confirmed by the Local Government. Therefore, if with reference to any particular detail there is any objection, it is open no doubt to *maths* and excepted temples and other religious institutions to submit to the Government the nature of the objections and if the Government think that the objections are valid, they will certainly modify the by-laws framed by the Board. Therefore, I have no doubt that improper activities on the part of the Board will certainly be curtailed by the Government under sub-clause (2). Therefore, I have not that fear which is lurking in the mind of my hon. friend Mr. Venkataramana Ayyangar (laughter). But I support this motion because I want to see that *maths* and excepted temples do not submit their budgets. I wish to know from you, Sir, whether a decision on this amendment would cover the other amendment also. With reference to clause 57 (a) I have tabled an amendment that that should be deleted so far as budgets are concerned. This sub-clause (i) to clause 15 also refers to budgets, as it says :

The details which shall be included in or excluded from the budgets of committees and religious endowments.

I wish to know from you whether, if this amendment now under discussion is negatived, I will not be permitted to move that other amendment to clause 57 (a).”

The hon. the PRESIDENT :—“ If the hon. Member wants to know what would happen, in case this motion is negatived, to the amendment which he may move later on to a subsequent clause, that is what is called a hypothetical proposition. Probably the hon. Member's motion may be carried, and there may be no necessity for discussing that point at all. I really cannot assume that the hon. Member's motion is going to be lost, and I am also sure that the hon. Member himself cannot assume any such thing. He had better assume that his motion is going to be carried.”

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Clause 15—cont.

Rai Bahadur T. M. NARASIMHACHARLU :—"Then, would you permit me to move that amendment now, Sir?"

The hon. the PRESIDENT :—"I am afraid that cannot be done. I have not called upon the hon. Member to move that amendment now. He is now standing up to support Mr. Venkataramana Ayyangar's motion to omit sub-clause (i) to clause 15. He has already supported it by saying that he does not agree with the hon. gentleman (Mr. Venkataramana Ayyangar)" (laughter).

Rai Bahadur T. M. NARASIMHACHARLU :—"I agree with him in suggesting the deletion of the sub-clause, but for a different reason, Sir."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—"Mr. President, Sir, the arguments that were advanced by the hon. mover have been already answered by the hon. the seconder, if I may so call him. The latter has suggested the deletion of the item relating to details of budgets from clause 15. This particular item is really not a substantive provision. It only provides for the making of by-laws for determining the details which may be included in or excluded from the budgets of committees and religious endowments. So far as the fears of Mr. Narasimhacharlu are concerned, I do not think that he is proposing to delete any provision in this Bill regarding powers taken relating to the submission of the budgets of the committees. His fears, so far as I understand them, relate to the submission of budgets by maths and excepted temples. He has tabled an amendment so far as that point is concerned. Even if his amendment to clause 57 is carried, this item would still be consistent with the Bill because it would in that case apply only to budgets which are contemplated by the Bill. So I do not think he need be very apprehensive that if this item is carried, his later item would be ruled out of order."

Rai Bahadur T. M. NARASIMHACHARLU :—"I am satisfied, Sir."

The hon. the PRESIDENT :—"Is the hon. mover satisfied? Is he going to withdraw the motion?"

Mr. C V. VENKATARAMANA AYYANGAR :—"Certainly not. The hon. gentleman who has no confidence in my reasoning has been satisfied. So far as I am concerned, I simply want to say that from the position which Mr. Gopalaswami Ayyangar occupies—for he has secured a very important seat on the Government Benches—whatever he says must be carried by the House now. The only thing I want to say is this: it is a very dangerous position to say in the by-laws that the Board can have power to discontinue the feeding of a number of people, that a particular item in the budget should be excluded, and so on. It gives them very wide power if they are allowed to interfere with such things. That was why I said that the sub-clause was not very satisfactory. I press my motion, Sir."

The motion was put and negatived.

(Amendment No. 103.)

Mr. M. SURYANARAYANA :—"Sir, the term 'religious endowment' has been defined in clause 5 (11) as meaning all property belonging to or given or endowed for the support of *maths* or temples. In this sub-clause (i) you find the following :—

The details which shall be included in or excluded from the budgets of committees and religious endowments.

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Clause 15—cont.

This gives no meaning, because endowments mean property. So, the Budgets of religious endowments, as is stated in this sub-clause (i), would mean Budgets of property. That is why I move that—

In item (i) for the words 'Religious endowments', the words 'of maths, excepted temples or temples', be substituted."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Mr. President, Sir, I am afraid that the acceptance of this amendment would really restrict the scope of the expression 'religious endowments.' According to the definitions in clause 5, while *math* and temple would not include endowments attached thereto, the words 'religious endowments' would include the premises of maths as well as the premises of the temples, so that I think the expression 'religious endowments' is certainly more appropriate in this particular item than merely 'maths, excepted temples or temples'."

The motion was by leave withdrawn.

(Amendment No. 104.)

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I move—

That item (j) be omitted.

" Sir, I have some premonitions that I will succeed at least in this motion. I appeal to the hon. the Minister to accept this amendment as the power sought to be given under this item is very wide. After giving every power to the Board, you need not also give the *olla podrida*. Therefore, it is better that the hon. Member is satisfied with the various items given here and need not add general provisions also."

The hon. the RAJA OF PANAGAL :—" Sir, the acceptance of this amendment would mean the cutting off of the branch on which one perches. I do not think I can accept it."

The motion was by leave withdrawn.

Sub-clause (2).

(Amendment No. 105.)

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I move—

That the words 'published for public criticism and thereafter' be inserted between the words 'teen' and 'confirmed'.

" I think from what I have said in defence of the Government on the motion of Mr. Venkataramana Ayyangar, the Government will give an opportunity to the concerned institutions to see whether the by-laws are properly made. And therefore there need be no fear in accepting this amendment which intends to carry out that intention. Let the sub-clause read :

No by-law or cancellation or alteration of a by-law made by the Board shall have effect until the same shall have been *published for public criticism and thereafter confirmed* by the Local Government."

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Clause 15—cont.

The hon. the RAJA OF PANAGAL :—"I accept the motion, Sir."

The motion was put and carried.

Sub-clause (3).

(Amendment No. 106.)

4-15 p.m. Sriman BISWANATH DAS Mahasayo :—"Sir, I beg to move—

After the words 'Gazette and' insert the words 'approved by the Legislative Council by a resolution and'.

"If this amendment is accepted, it would make the hon. the Minister to come to this Council. The Council may have a discussion over the by-laws and they may then be placed on the Statute Book. Sir, it is always a dangerous thing to tread on religion and it will be more so in a country where people are prepared to sacrifice to any extent for the sake of their religion. Under this Bill the House has very little control over the Board of Commissioners. The rules framed by them may not come before this House unless this amendment is accepted. Since these by-laws have the force of law, I appeal to the hon. the Minister to accept this amendment and thus consult the wishes of the representatives of the people before the by-laws are finally accepted as binding. I have got also a precedence for this. I would refer the hon. the Minister to clause 6, sub-clause (1), where similar provision has been made. Whenever he wishes to create a new Board or to increase the existing number of Commissioners or to vary the limits of the Board, the hon. the Minister has to come to this House. It is also desirable that he should come before this House to ratify the by-laws framed by the Board."

The hon. the RAJA OF PANAGAL :—"The usual method of publication is by publication in the *Fort St. George Gazette*. In all important matters provision is made for the particular matter being placed before the House. In these days of elected representatives, it is for the elected members in the Legislative Council to see that any complaint which a constituency has to make is made by moving resolutions or asking questions. In this way this House can control the action of the Board through the Minister."

Sriman BISWANATH DAS Mahasayo :—"Sir, it takes a very long time for resolutions to come up for discussion in this House. The same is the case with interpellations. I would refer the hon. Minister to many of the resolutions which have been appearing on the agenda for several months without any chance of being discussed in the House. My hon. friend, Mr. Ramachandra Rao, was complaining the other day that it took an unduly long time to get interpellations answered by the Government. He also quoted several instances where interpellations were not answered for more than three or four months. When such is the fate of resolutions and interpellations how can the hon. Minister advise us to have recourse to them? I would appeal to the hon. Minister to accept my amendment. It would not in any way hamper the work of the Board. On the other hand, the Board would be benefited by the enlightened criticism of this House."

The amendment was put and lost.

Clause 15 as amended was put, passed and added to the Bill.

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Clause 16.

Sub-clause (1).

(Amendment No. 107.)

Mr. M. SURYANARAYANA :—" Sir, I beg to move—

In item (a) omit the semi-colon at the end and add the following :—
' managed by the same trustee '.

Sir, in clause 16 we find :

The Local Government may by notification direct the constitution of a committee for any temple or temples or for any class of temples.

Immediately below there is a proviso which says :

Provided that not more than one committee shall have jurisdiction over the same temple or the endowments connected therewith.

My difficulty is this. There are some temples under the control of the same trustee. Some of those are endowed while others are not so endowed. If there should be a committee for each temple as is provided for by the proviso, the trustee may not be permitted to transfer some of the funds which are available for expenditure from the endowed to the unendowed temples in the manner in which he has been doing hitherto. The result will be that some of the endowed temples will have large surplus, while the unendowed temples will be left without any money for expenditure. If my amendment is accepted, the trustee will be able to arrange his budget in such a manner as to provide for the necessary expenditure in all the temples which are not endowed."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Sir, I do not exactly understand what the point of the hon. mover is. He seems to suggest that, as far as possible, there should be only one committee exercising jurisdiction over temples managed by the same trustee. What I wish to point out is that the clause as it stands does not prevent the constitution of such a committee, because the clause is perfectly elastic and it allows the Government to constitute a committee for any temple or class of temples. If there are a number of temples under the same trustee there is nothing to prevent the Government from constituting a committee for all the temples which are in charge of the same trustee."

Mr. M. SURYANARAYANA :—" I would have no objection if there had not been the proviso. It is the proviso that stands in the way."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" The proviso as it stands really means that there should not be one committee exercising jurisdiction over a temple and another committee exercising jurisdiction over the endowments connected therewith. That is the whole object of the proviso. With that explanation I hope my hon. friend will not press his amendment."

Mr. M. SURYANARAYANA :—" The explanation will be correct if the words used are ' and the '. What we have now is ' or the '. My only object is to see that temples which are under the same trustee are governed by the same committee. I do not think there is anything in my amendment which is inconsistent with the scheme of the Bill."

The amendment was put and lost.

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Clause 16—cont.

(Amendment No. 108.)

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I beg to move—

Add the following at the end of item (a)—
'in any local area'.

Sir, the clause as drafted runs thus :

The Local Government may by notification direct the constitution of a committee for any temple or temples or for any class of temples.

I think, Sir, if no reference is made to the local area, that is, if committees are not to be appointed for local areas of the temples, it may happen that committees may be appointed for temples one of which may be in one district and another in another district. What I want to urge is that these committees should be local committees having jurisdiction over a temple, or temples or any class of temples."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" The answer which I gave to the hon. Mr. Suryanarayana's amendment partly covers the point raised by my hon. friend Mr. Narasimhacharlu. The scheme of the Bill is that committees should be appointed for supervision over temples and their endowments. I take it that the difficulty arises from the fact that, if we do not limit the particular area for which a committee could be constituted, the Government may exercise its discretion in the wrong way and constitute a committee for a temple in Ganjam, another in Godavari and another in Cuddapah and so on. But that contingency will not happen if the hon. Member would look at clause 19 which says :

For the purpose of election of members, the Local Government shall, for each committee, notify an electoral area.

This clause really provides for territorial electorates and therefore the fear entertained by the hon. Mr. Narasimhacharlu may not arise."

Rai Bahadur T. M. NARASIMHACHARLU :—" Again the electoral area may be so constituted as to have one in Ganjam, another in Cuddapah and so on."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" If the Government is so wrong minded as to notify an electoral area of the sort complained of by the hon. Member it may so happen."

The amendment was by leave withdrawn.

Sub-clause (2).

(Amendment No. 109.)

4-30 p.m. Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I beg to move—

For the word 'Board' substitute the words 'Local Government'.

This sub-clause is a very important provision. It says :

The Board may pass such orders as it may deem fit as to the transfer or other disposal of the assets and liabilities of a committee which is varied or abolished.

I submit, Sir, that such a power should not be vested in the Board, but should be reserved by the Government in its own hands, because it concerns the assets and liabilities of the committees that are to be varied or abolished. On such an important matter, I submit that the Government must reserve the

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Clause 16—cont.

power. If the Board is to deal with it subject to the sanction of the Government, that will be another matter. It is stated here that the Board may pass any orders as it may deem fit; that is to say, absolute discretion is given to it without any sort of control. Therefore, I submit that my amendment may be accepted."

The hon. the RAJA OF PANAGAL :—"Sir, sub-clause (2) of clause 16 deals only with the assets and liabilities of committees. They are practically minor matters and I do not think that it is necessary that power should be taken by the Government to control these transactions."

The amendment was by leave withdrawn.

Clause 16 was then put and passed and added to the Bill.

Clause 17.

Sub-clause (1).

(Amendment No. 110.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, the amendment that stands in my name is :—

Between the words 'such number' and 'of members' insert the word 'elected'.

"The motion that I wish to make for the acceptance of this House is that the members of the committee should be elected. As hon. Members will notice, the scheme of the present Bill is that the members who are to constitute the committee should be partly elected and partly nominated. My proposal is that the whole of the members of the committee should be elected and none of them nominated except in certain contingencies. Now, Sir, in doing so I am merely carrying out the provisions that we at present have in Act XX of 1863 which in the first instance makes provision only for election; but supposing that election miscarries, there are other provisions of course as to how the members of committees shall have to be brought into existence. So far as the literature on this point goes, it will be found that no fault has been found with reference to Act XX of 1863 simply because that Act in the first instance requires that members of committees should come in by election. There have been, no doubt, other provisions in the Act to which objections have been taken very rightly, but this is not one of those provisions. In these days when hon. Members love to associate democracy with the doings of this House, I rather think, Sir, that the process of election which has found favour so early as 1863 and in respect of which no serious objections or complaints have been made so far, might well be allowed to stand. With these few words I move the amendment."

The hon. the RAJA OF PANAGAL :—"I am surprised, Sir, to hear from the hon. Member opposite that no complaints about elections have so far been made. I would only refer him to the evidence given by Mr. T. R. Ramachandra Ayyar, High Court Vakil. I have no objection to accept the position taken up by the hon. Member, but, Sir, I would rather leave the discretion to the House. In the Bill of Sir T. Muttuswami Ayyar he provided for 50 per cent of elections, and the Select Committee in connexion with the present Bill provided for only 25 per cent of elected members. They thought that it was desirable that there should be some proportion reserved

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Clause 17—cont.

for nomination for non-represented communities. If my hon. friend is particular to have all members elected and if the House is prepared to accept the amendment I have no objection. So far as the Government are concerned, their position in regard to this matter is neutral."

MR. R. SRINIVASA AYYANGAR :—" Sir, I have tabled an amendment for the deletion of sub-clause (2) because the idea at the back of my mind was that the entire body of the committee ought to contain only the elected element. I therefore rise to give my support to this motion. For the past sixty years this system has been working. The hon. the Minister drew our attention to a statement of Mr. T. R. Ramachandra Ayyar expressing dissatisfaction with the system. So far as my knowledge which covers a period of 30 years goes, I have not come across a single suit instituted for the purpose of questioning the validity of elections to the temple committees. So far as the law reports go, it is impossible to lay one's finger upon any such case on the subject. There might have been some irregularities, but those irregularities have not been of so serious a nature as to arrest one's attention or to justify any departure from the existing state of things. The practice nowadays is to extend the principle of election instead of cutting it down. In good old days it was found possible and it was even found necessary and desirable in the interests of the proper administration of the temple that the entire body of the temple committee ought to be upon an elective basis and that no element of nomination should come in. Rather, Sir, I should venture to think that it is a sad commentary that sixty years later we should seriously think of setting aside that machinery by introducing into it some proportion of nominated element. In making this submission I am fully aware of the existence of a provision in the Pagoda Act XX of 1863 which confers upon the court, as described in that Act, the power of nomination only in one class of cases where the committee concerned commits a default in filling up a vacancy within three months of its occurrence. I hope that the House will be agreeable to the amendment moved by Mr. L. A. Govindaraghava Ayyar."

DIWAN BAHADUR L. A. GOVINDARAGHAVA AYYAR :—" I have only one word, Sir, to say. My hon. friend the Minister referred to the evidence of Mr. Ramachandra Ayyar. I may mention, Sir, that the evidence of Mr. Ramachandra Ayyar was to this effect: not that in the case of temple elections he found anything specially wrong which he did not find elsewhere, but he said he was losing faith in elections as a whole. If my hon. friend will subscribe to that view, then of course, the position might be quite different."

THE HON. THE RAJA OF PANAGAL :—" Sir, when the whole is bad, I take it that the part too is bad."

DIWAN BAHADUR L. A. GOVINDARAGHAVA AYYAR :—" Because the whole is not bad, that is the reason why the part may not be bad."

DIWAN BAHADUR M. RAMACHANDRA RAO PANTULU :—" May I know if the hon. Member assigns that as a reason for not accepting this amendment and suggesting that, because of the statement of Mr. Ramachandra Ayyar that he has no faith in the elections, and that he was losing faith in it, he cannot accept the amendment."

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Clause 17—cont.

The hon. the RAJA OF PANAGAL :—"It was said, Sir, that there had been no complaints and I only wanted to say there had been complaints."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"In the amendment that I proposed there is a slight mistake which I wish to correct. As amended the clause will read as follows :

A committee shall consist of such number of elected members, etc.

So that the word 'elected' should come in between 'of' and 'members' and not between 'such number' and 'of members'."

The motion as amended by the mover was put and carried.

Sub-clauses (2) and (3).

(Amendment No. 111.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, the sub-clause (2) must go in consequence of what has been done, and with your permission, Sir, I shall move it. I have already given notice of a motion for the omission of sub-clause (3). My memory is that I gave notice of the omission of both the sub-clauses, but in the agenda I find only sub-clause (3) mentioned. With your permission, Sir, I move that—

sub-clauses (2) and (3) and the figure (1) in sub-clause (1) be omitted, as both of them really must go out in consequence of what has been already accepted by the House."

The motion was put and carried and the omissions made.

Clause 17, as amended, was passed and added to the Bill.

Clause 18.

(Amendment No. 112.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Sir, the amendment that stands in my name reads as follows :—

For the word 'Board' substitute the words 'Local Government'.

"Clause 18, Sir, provides for the appointment of members of committees who will serve, as it were, as members for an interregnum period which will intervene between the present time and the time when the provisions of this Bill will be brought into full operation. As hon. Members will notice, it is stated in that clause :

Where the Local Government direct the constitution of a committee for the first time or in place of a committee which has been abolished, the members of such new committee shall hold office for some period not exceeding one year as the Local Government may fix and during such period may be all appointed by the Board.

Now, my amendment is that the appointment of these persons shall be by the Local Government and not by the Board. The Local Government will be in a better position to find out who the members of the committee shall be rather than the Board who will have for the first time entered upon their work. After all, the appointment is only for one year, and until the Board gains some experience in these matters, it is better that the Local Government is allowed the privilege or the power of appointing members of this committee which is to function only for a year instead of the Board."

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Clause 18—cont.

The hon. the RAJA OF PANAGAL :—" I accept the amendment, Sir."

The amendment was put and carried.

Clause 18, as amended, was then put, passed and added to the Bill.

Clause 19.

Sub-clause (2).

(Amendment No. 113.)

4-45 p.m. Rai Bahadur T. M. NARASIMACHARLU :—" Sir, I beg to move the amendment that stands in my name—

For the word ' Board ' substitute the words ' Local Government ' ."

The hon. the RAJA OF PANAGAL :—" It is a matter of detail. I think the power had better be left with the Board than with the Government."

The motion was by leave withdrawn.

Clause 19 was put and passed and added to the Bill.

Clause 20.

Clause 20 was put, passed and added to the Bill.

Clause 21.

(Amendment No. 114.)

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" Sir, the amendment that I have to move is as follows :—

After the words ' Hindu religion ' insert the words ' or where the provisions of this Act are extended to Jain religious endowments, the Jain religion ' .

" Sir, my amendment, though it is formal, is very necessary. The Bill contemplates the extension of its provisions to cases of Jain religious endowments. If it is to be so applied it is but proper that persons who profess the Jain religion should have a voice in the constitution of the committee. Therefore it is that my amendment proposes that where the provisions of this Bill are extended to Jain religious endowments, names of persons professing the Jain religion should be included in the electoral roll. So that persons who will be entered in the electoral roll will be not merely those who profess the Hindu religion, but also persons who profess the Jain religion in the event of the Bill being extended, when it becomes an Act, to cases of Jain religious endowments also. I venture to think that this is a necessary provision that has to be made and if it has not been made by the Select Committee it is due to an oversight."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Sir, this is really the same thing as the other amendment which my hon. friend, Mr. Govindaraghava Ayyar, moved with reference to a previous clause in the Bill. The answer is the same as has been given in respect of the previous amendment. Under clause 2, when the Act is extended to Jain religious endowments, the extension may be subject to such restrictions and modifications as the Local Government may think fit. So, when a committee is constituted and that committee is given jurisdiction over the Jain temples also, it would be quite open to the Government to say that persons professing the Jain religion should also be

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Clause 21—cont.

included in the electoral roll of that committee. It is quite possible, I would point out in this connexion, that the Government may direct the constitution of a committee for Jain religious endowments alone. In that case it would be quite within the powers, under clause 2, to restrict the electorate entirely to Jains."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I am afraid the hon. Member is under a mistake in the way in which he opposed me. Now, what clause 2 says is this :

may declare such extension to be subject to such restrictions and modifications as they think fit.

" Now, it is the extension that is to be restricted or modified. So that the House will notice that they cannot modify or restrict the proviso that is suggested here. It may be that in some places the number of Jains who profess the Hindu religion or the number of Jain religious endowments which has to be brought under the control of the committee will be so inconsiderable that it is not worth while to constitute a separate committee for that. The proper course for these persons then will be to get into the Jain electorate. If my amendment is accepted then it will mean, when the extension of the Act is made, that the persons professing the Jain religion may be, in appropriate cases, taken out of the general list and put into the special list so that they may constitute persons who can elect a special Jain committee. The hon. Member will carry out his object effectively and avoid any subsequent difficulty by accepting the amendment rather than by opposing it."

Rai Bahadur N. GOPALASWAMI AYYANGAR :—" Sub-clause (2) of clause 2 speaks of extension of the provisions of the Act. One of the provisions is that which relates to the qualifications for members of the electorates for the committee and one of those qualifications is that a man should profess the Hindu religion. If under sub-clause (2) of clause 2 it is open to the local Government to extend the provisions of this Act, subject to such restrictions and modifications as they think fit, I think it is quite within their competence to say that a particular clause which requires a man to profess the Hindu religion should be modified to the effect that persons professing the Jain religion should also be included in the electorate of those committees or that persons professing the Jain religion alone should constitute the electorate for purely Jain committees."

The amendment was put to the House and declared lost.

Clause 21 was put, passed and added to the Bill.

Clause 22.

Sub-clause (1).

(Amendment No. 115)

Mr. S. T. SHANMUKHAM PILLAI :—" Sir, my amendment is this :

In item (a) add at the end the following :—

' and if he is not of good reputation and of respectable status.'

Sir, I think the names of persons of ill-repute and mean status should not appear in the electoral roll. We shall never be too cautious in the selection of the men who are going to control our *maths* and temples. In my opinion

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Clause 22—cont.

people who are not of good reputation and of respectable status should not be allowed to stand for election. Those who stand for election must be men of good reputation and of respectable status in life. Only such men can enter the four walls of a temple."

The hon. the RAJA OF PANAGAL :—"Sir, in rejecting another motion of the same nature, I stated that the amendment was very vague. Besides, in this case, the members are all to be returned by election. It is for the electorate to decide whether a candidate is of good reputation or bad reputation. Under these circumstances I am afraid I cannot accept the amendment."

Mr. S. T. SHANMUKHAM PILLAI :—"If a man of ill-repute were to come in by election, it will lead to endless complaints. Sir, I press my motion for the acceptance of the House."

The motion was put and lost.

Further consideration of the Bill was postponed to the next day.

II

DISCUSSION ON THE HOLDING OF MEETING DURING THE EASTER HOLIDAYS.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, may I know when the further sittings will be?"

The hon. the PRESIDENT :—"With regard to the further sittings, they are in the hands of the House. Of course in regard to the progress made in the Bill I am not in a position to say when it will be over. All that I can say is, we had better go on with this from day to day until we come to the end of it. I think it will be convenient to hon. Members to do that instead of going home for a few days and then coming back presently in this uncomfortable weather. So I propose to have the meeting to-morrow and I do not know what we should do on Good Friday."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, as far as the Hindu Members are concerned I can say they will have no objection to sit on Friday. I also think that the Christian members will have no objection."

The hon. the PRESIDENT :—"I do not know if the hon. Member is speaking on behalf of the Christian members also."

The hon. Sir CHARLES TODHUNTER :—"As a general rule I think it is undesirable to sit on Good Friday."

The hon. the PRESIDENT :—"As a general rule it is undesirable, but at the same time it is purely a Hindu Religious Endowments Bill and the Christian members are absenting themselves. Of course, they are entitled to be present. But I do not want to say anything on a matter like this."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, unless the Christian members think it undesirable to sit to-morrow, we may have the meeting to-morrow and the day after."

The question whether the House should sit on Thursday and on Friday (29th and 30th March 1923) was put to the House and the House declared its assent.

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The hon. the PRESIDENT :—" In regard to day after to-morrow I think we shall decide it to-morrow afternoon when we know where we stand. In any case, I think we need not sit on Saturday and Sunday and we may give a respite to hon. Members and take up the Bill again on Monday."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" May I suggest, Sir, that if you are not sitting on Saturday it is much better not to sit on Friday but sit on Saturday. I do not want to create a precedent which may be somewhat dangerous. I do not want that any portion of the House should feel that it is put into a delicate position. I think we ought to respect their views and so I would suggest that if you are not going to sit on Saturday, we may transfer the non-session to Friday."

The hon. the PRESIDENT :—" I agree with the hon. Member but it has so happened that I have taken the sense of the House and decided that we should sit on Friday. On Friday we shall know clearly where we stand."

The House adjourned at 5 p.m. to meet again at 11 a.m. the next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.



